

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. Mark Carter
Carter Off-Road Park

RE: Unauthorized placement of fill material into wetlands in Pulaski and Saline Counties, Arkansas,
GIS coordinates of site general area: 34.675813, -92.471144.

Dear Mr. Carter:

The United States Environmental Protection Agency (EPA) has received referral of enforcement from the Little Rock District Corps of Engineers (COE) regarding unauthorized placement of fill material associated with development of an off road park and entertainment facility, located mostly in Pulaski County of Arkansas. The Little Rock District COE has identified you as the responsible party for these matters. EPA accepted referral of the case under terms of the Enforcement Memorandum Agreement between the two agencies.

The discharge of fill material into waters of the United States, which includes wetlands, without a permit from the COE is a violation of Section 301 of the Clean Water Act (the Act). EPA may require the removal of the unauthorized fill and/or assess penalties under Section 309 of the Act. Enforcement alternatives available to EPA include issuance of an Administrative Order to remove the fill and restore the wetlands; issuance of an Administrative Complaint requiring payment of a penalty; or issuance of both. Resolution of this matter with the EPA and the COE must also satisfy the requirements of any local ordinance. We will send a copy of this letter to the Arkansas Department of Environmental Quality to inform them of our actions.

We request that you contact Ms. Jeanene Peckham within (15) fifteen days of receipt of this letter to discuss the case, provide us with pertinent information on the fill activities, or discuss our enforcement procedures.

Sincerely yours,

Maria L. Martinez
Chief
Wetlands Section

Cc: Col. Courtney W. Paul
Ellen Carpenter, ADEQ

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
____ DIVISION

PANTHER CREEK FARM

PLAINTIFF

VS.

CASE NO.: _____

CARTER OFF ROAD PARK, LLC and
MARK CARTER, Individually

DEFENDANTS

**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF AND
MONEY DAMAGES**

Plaintiff, by and through counsel, for its Verified Complaint against Defendants states:

1. Plaintiff Panther Creek Farm is a duly authorized fictitious name for Mark Riabie LTD, which is organized under and in good standing in the state of Arkansas. Panther Creek Farm is comprised of approximately 200 acres and individuals Mark and Kathy Riabie reside on the property. The property was purchased in 2005.

2. Defendant Carter Off Road Park, LLC is a limited liability company organized under and doing business pursuant to the laws of the state of Arkansas.

3. Mark Carter (Carter) is an individual believed to be a resident of Pulaski County, Arkansas. Mark Carter owns and operates Carter Off Road Park, LLC which includes property in both Pulaski and Saline Counties.

Part of the Carter off road park, approximately one half (1/2) mile, is adjacent to Panther Creek Farm. Carter has recently built a race track, cabins, concession area and stage as well as other construction.

4. On its website, Carter Off Road Park states that its address is _____ 72002. However, the park consists of more than 1,000 acres of land and the vast majority of the property sits in Pulaski County, Arkansas.

5. Jurisdiction and venue are proper with this Court.

6. Carter has a history of failing to seek required appeals and ignoring zoning and permit requirements. Upon information and belief Carter built a bridge across Fouche Creek without seeking the property authority or permit from the Corp of engineers and built a dam to create a lake without seeking a permit from the Arkansas Department of Natural Resources.

7. Carter is now operating a mud race track under the name Carter Off Road Park. Carter advertises his park as a "racing" facility. Carter permits the park operate at all hours of the day and night. Carter permits ATVs, trucks and other racing and mud vehicles to run and race on his property at any time and on any day of the week and permits overnight camping with no restriction as to nighttime off road vehicle driving, discharging firearms, consumption of alcohol or any other activities. Most of the vehicles that race do not have mufflers or have modified mufflers that are extremely loud and can be heard from miles away. Mr. Carter charges a daily fee for allowing such vehicles to ride and race on his property. Attached hereto as Exhibit "A" is a copy of the Carter Off Road Park Participant Release.

8. Carter operates heavy machinery on and around his property. He has damaged the surrounding landowners property, bull-dozed trees down, created dust issues for neighbors, caused great and disturbing noise for the surrounding property owners and caused pollution and sedimentation of Fourche Creek - which is a protected area.

COUNT I - REGULATION 33

9. Carter's Off Road Park is a racing facility and is operated as such. The park is subject to and governed by Arkansas Department of Environmental Quality

Regulation 33. This regulation requires as follows: "For proposed facilities located within three (3) miles of more than one county, at least seventy-five percent (75%) of the property owners and seventy-five percent (75%) of the registered voters within three (3) miles of the outside boundary of the proposed motor vehicle racing facility in each county must consent and sign the petition." See Regulation 33.301 (A) and the full regulation attached hereto as Exhibit "B."

10. Carter is operating a motor vehicle racing facility. Carter's racing park is situated on both Pulaski and Saline Counties. Thus Carter is subject to the quoted section above and has been notified as such. See attached hereto as Exhibit "C" a copy of a notice letter dated July 30, 2015 from ADEQ and a separate notice from plaintiff attached as Exhibit "D."

11. Despite being subject to and on notice of Regulation 33, Carter has failed and refused to comply with Regulation 33. To plaintiff's knowledge, defendants have not filed any application with ADEQ seeking permission to operate his off road racing park. Likewise, defendants have not sought permission of the surrounding landowners.

12. Plaintiff is entitled to and hereby seeks temporary emergency injunction and permanent injunction that would enjoin defendants from operating the off road racing park and mud track until approved by ADEQ, the city of Little Rock and this Court.

Alternatively, if defendants are not enjoined, plaintiff requests that defendants be placed on and subject to the following restrictions:

a. Hours of operation limited to 8am til 8pm Sunday through Thursday and 8am til 10pm Friday and Saturday; No vehicles that exceed a certain decibel level (i.e. no vehicles without exhaust systems or straight headers); the dirt roads must be watered and

maintained so as to prevent the surrounding properties from being dusted; no firing of guns or weapons on the property at any time; that the park boundaries be clearly marked and fenced to prevent encroachment on neighboring properties; Carter patrons put on notice by Carter not to leave the park boundaries and that Carter should provide for the park to be patrolled to prevent patrons from leaving the park and trespassing onto neighboring property, operating noisy vehicles or operating vehicles outside of the proper hours.

COUNT II - CITY PERMIT

13. The subject property is also subject to the City of Little Rock's extra-territorial jurisdiction. Thus, defendants are required to apply and obtain a permit before operating a business such as an off-road racing park and mud track. Defendants have failed and refused to apply for any such permit. See Exhibit "E" notice from the City of Little Rock to seek proper zoning approval and to cease activities pending approval.

14. Plaintiff is entitled to and hereby seeks temporary emergency injunction and permanent injunction that would enjoin defendants from operating the off road racing park and mud track until approved by ADEQ, the city of Little Rock and this Court. Alternatively, if defendants are not enjoined, plaintiff requests that defendants be placed on and subject to the following restrictions:

a. Hours of operation limited to 8am til 8pm Sunday through Thursday and 8am til 10pm Friday and Saturday; No vehicles that exceed a certain decibel level (i.e. no vehicles without exhaust systems or straight headers); the dirt roads must be watered and maintained so as to prevent the surrounding properties from being dusted; no firing of

guns or weapons on the property at any time; that the park boundaries be clearly marked and fenced to prevent encroachment on neighboring properties; Carter patrons put on notice by Carter not to leave the park boundaries and that Carter should provide for the park to be patrolled to prevent patrons from leaving the park and trespassing onto neighboring property, operating noisy vehicles or operating vehicles outside of the proper hours.

COUNT III - NUISANCE AND QUIET ENJOYMENT OF PROPERTY

15. As currently operated, the off road park and racing track constitutes a nuisance and directly impedes and prevents plaintiff's proper and effective use and enjoyment of its property. The noise, dust, pollution and encroachment onto neighboring property by Carter and his patrons is a nuisance. The Arkansas Supreme Court has defined "nuisance" as "conduct by one landowner that unreasonably interferes with the use and enjoyment of the lands of another and includes conduct on property that disturbs the peaceful, quiet, and undisturbed use and enjoyment of nearby property." *Goforth v. Smith*, 338 Ark. 65, 79, 991 S.W.2d 579, 587 (1999).

16. According to defendants advertising, defendants are planning an event on September 18, 19 and 20, 2015. The event is expected to host thousands of patrons. This event will exponentially increase the nuisance impact on plaintiff and surrounding neighbors. To plaintiff's knowledge, defendants have not sought approval from ADEQ, the city of Little Rock or any other authority to have this event beginning September 18, 2015.

17. Plaintiff and surrounding neighbors will sustain irreparable harm if defendants are permitted to continue to operate the park and especially if they are permitted to host this event on September without obtaining approval from ADEQ, the City of Little Rock and all other required authorities. Plaintiff is entitled to and hereby seeks temporary emergency injunction and permanent injunction that would enjoin defendants from operating the off road racing park and mud track until approved by ADEQ, the city of Little Rock and this Court.

Alternatively, if defendants are not enjoined, plaintiff requests that defendants be placed on and subject to the following restrictions:

a. Hours of operation limited to 8am til 8pm Sunday through Thursday and 8am til 10pm Friday and Saturday; No vehicles that exceed a certain decibel level (i.e. no vehicles without exhaust systems or straight headers); the dirt roads must be watered and maintained so as to prevent the surrounding properties from being dusted; no firing of guns or weapons on the property at any time; that the park boundaries be clearly marked and fenced to prevent encroachment on neighboring properties; Carter patrons put on notice by Carter not to leave the park boundaries and that Carter should provide for the park to be patrolled to prevent patrons from leaving the park and trespassing onto neighboring property, operating noisy vehicles or operating vehicles outside of the proper hours.

18. Pursuant to Arkansas Code Annotated section 16-60-102, Plaintiff seeks and is entitled to treble damages for trespass, destruction of trees, damages for destruction of property, for air, water and noise pollution and sedimentation if Fourche Creek.

19. Further, plaintiff is entitled to and hereby seeks damages for the diminished value of its property as a direct and proximate result of the general nuisance, noise and dust caused by defendants off road racing park and mud track. Plaintiff seeks judgment of and from defendants in an amount to be determined at trial excess of the minimum amount required for diversity of citizenship jurisdiction in federal court.

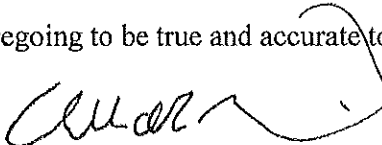
20. Plaintiff seeks his attorneys fees and costs expended in pursuing this action.

21. Plaintiff seeks a bench determination as to the preliminary injunction and plaintiff seeks a jury trial on its remaining claims.

WHEREFORE, Plaintiff moves and prays for injunctive relief; for restrictions on defendants; judgment against defendants in an amount to be determined at trial in excess of the minimum amount required for diversity of citizenship jurisdiction in federal court; for Court costs and attorney's fees; for pre and post judgment interest; that the Defendants be held jointly and severally liable; for the right to amend and plead further and for all other just and proper relief to which it is entitled.

VERIFICATION

I, Mark Riable, state on oath and affirm the foregoing to be true and accurate to the best of my knowledge information and belief.


Mark Riable, agent for Plaintiff

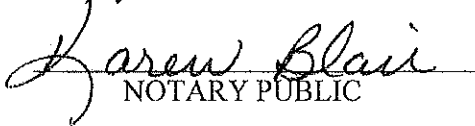
STATE OF Arkansas
COUNTY OF Pulaski

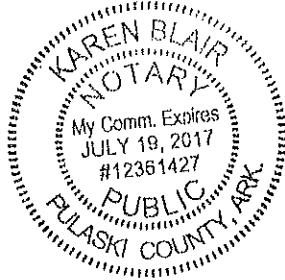
SUBSCRIBED AND SWORN TO before me, a Notary Public, on the 15th day of September, 2015 the above noted Mark Riable appeared before me and stated that he had executed said document for the purposes therein stated

IN WITNESS WHEREOF, I hereunto set my hand and seal.


MY COMMISSION EXPIRES:

07/19/2017


NOTARY PUBLIC



Respectfully submitted:


Danny R. Crabtree (2004006)
Attorney at Law
114 S. Pulaski
Little Rock, AR 72201
(501) 372-0080

CARTER OFF ROAD PARK PARTICIPANT RELEASE AND INDEMNIFICATION AGREEMENT

I understand and acknowledge the operations of motorcycles, all-terrain vehicles, trucks, cars, racing machines of any kind, concerts, and all other activities of any kind that might be engaged in as a participant, spectator, or guest at the recreational park commonly known as CARTER OFF ROAD PARK, LLC located at _____, Alexander, Arkansas 72 _____ ("CARTER OFF ROAD PARK") bear certain anticipated and unanticipated risks, which could result in serious bodily injury, death, illness or disease, and/or physical or mental damage to myself, my property, or to spectators or to other third parties. Being aware of these risks, **I EXPRESSLY AGREE, COVENANT, AND PROMISE TO ACCEPT AND ASSUME ALL RESPONSIBILITY AND RISKS FOR INJURY, DEATH, ILLNESS, DISEASE, AND/OR DAMAGE TO MYSELF, OR TO OTHERS, AND TO MY PERSONAL PROPERTY OR THE PERSONAL PROPERTY OF OTHERS ARISING OUT OF OR IN ANY WAY ASSOCIATED WITH MY PARTICIPATION IN THE ACTIVITY OF RACING, RIDING, SPECTATING, OR ENGAGING IN ANY OTHER ACTIVITY WHILE ON THE PREMISES OF CARTER OFF ROAD PARK.**

I acknowledge that my participation in any activity at CARTER OFF ROAD PARK is purely voluntary; no one is forcing me to participate, and I am well aware of the risks. I further acknowledge that if I am participating in any activity at CARTER OFF ROAD PARK or merely on the premises, that doing so is an inherently dangerous activity. I also understand that Carter Off-Road Park, Inc., individually and not acting in concert with one another (collectively, the "CARTER ENTITIES") and any members, managers, employees and agents of the CARTER ENTITIES, and sponsors, volunteers, security personnel, or employees, make no express or implied representation as to the conditions of the land, any roads, fences, building, gates, or other improvements to the land at CARTER OFF ROAD PARK. I also understand that I may be exposed to other dangerous conditions, risks, and hazards at CARTER OFF ROAD PARK including, but not limited to, poisonous snakes, insects, spiders, water hazards, tree limbs, other persons, erosion and general conditions of the land, both on and off roadways, which may create hazardous driving and walking conditions. Animals that I may encounter, both wild and domestic, may be diseased and/or potentially dangerous. I may also encounter diseased water, other persons with all-terrain vehicles, security personnel, and similar such risks, hazards, and dangers on or off CARTER OFF ROAD PARK properly. I EXPRESSLY ACKNOWLEDGE THE EXISTENCE OF ALL SUCH RISKS, HAZARDS, AND DANGERS THAT I MAY BE EXPOSED TO AT CARTER OFF ROAD PARK.

As partial consideration for the right to enter CARTER OFF ROAD PARK and engage in the activities described above, I HEREBY VOLUNTARILY RELEASE, FOREVER AGREE TO HOLD HARMLESS, AND INDEMNIFY THE CARTER ENTITIES, SECURITY PERSONNEL, SPONSORS, THEIR MEMBERS, MANAGERS, AGENTS AND EMPLOYEES, THEIR OWNERS, AND/OR ANY AND ALL OF THE PERSONS OR ENTITIES ASSOCIATED WITH OR CONTRACTING WITH THE CARTER ENTITIES FROM ANY AND ALL LIABILITY, CLAIMS, DEMANDS, ACTIONS, RIGHTS OF ACTION, AND CAUSES OF ACTION, WHICH ARE RELATED TO, ARISE OUT OF, OR ARE IN ANY WAY CONNECTED WITH MY PARTICIPATION IN ANY ACTIVITY AT CARTER OFF ROAD PARK, INCLUDING, BUT NOT LIMITED TO, THE NEGLIGENCE ACTS OR OMISSIONS OF THE CARTER ENTITIES, THEIR MEMBERS, MANAGERS, SECURITY PERSONNEL, SPONSORS, AGENTS OR EMPLOYEES, VOLUNTEERS, ANY OWNERS OF THE CARTER ENTITIES OR CARTER OFF ROAD PARK, AND ANY AND ALL OTHER PERSONS OR ENTITIES ASSOCIATED WITH OR CONTRACTING WITH THE CARTER ENTITIES AND FOR ANY AND ALL INJURIES, DEATH, ILLNESS, DISEASE, AND/OR DANGER TO MYSELF, TO OTHERS, TO MY PERSONAL PROPERTY, OR TO THE PERSONAL PROPERTY OF OTHERS.

IN SIGNING THIS DOCUMENT, I EXPRESSLY ACKNOWLEDGE AND RELEASE THE CARTER ENTITIES, SECURITY PERSONNEL, AND SPONSORS, OFFICERS, DIRECTORS, AGENTS, REPRESENTATIVES, GUESTS, INVITEES, EMPLOYEES, LAND OWNERS, VOLUNTEERS, AND ALL PERSONS OR ENTITIES CONTRACTING WITH THE CARTER ENTITIES FROM ANY LIABILITY FOR ANY DAMAGES CAUSED BY MY NEGLIGENCE, THE NEGLIGENCE OF OTHERS, OR NEGLIGENCE OF THE CARTER ENTITIES, THEIR OFFICERS, DIRECTORS, AGENTS, REPRESENTATIVES, GUESTS, EMPLOYEES, VOLUNTEERS, AND ANY OTHER PERSONS OR ENTITIES ASSOCIATED WITH OR CONTRACTING WITH THE CARTER ENTITIES.

I understand that by indemnifying THE CARTER ENTITIES AND OTHER PARTIES NAMED ABOVE should it become necessary for THE CARTER ENTITIES AND OTHER PARTIES NAMED ABOVE, or someone on their behalf, to incur attorney's fees for any costs or expenses to enforce the terms of this Agreement and Release, or any portion thereof, I agree to pay THE CARTER ENTITIES' reasonable costs, expenses and attorney's fees arising there from.

This release, discharge, and indemnification is voluntarily given by me and shall extend to and for the benefit of any individual, corporation, partnership, sponsor, or other entity associated with, contracting with, or affiliated with THE CARTER ENTITIES, their operations, the CARTER OFF ROAD PARK property, or any entity with which THE CARTER ENTITIES may be affiliated in connection with operations or security on the CARTER OFF ROAD PARK property in any capacity, including but not limited to, as a partner, landowner, volunteer, employee, contractor, security personnel, member, manager, employee, representative, agent, or otherwise.

I acknowledge, by executing this Agreement and Release and paying the required entry fee(s), I become a member of CARTER OFF ROAD PARK and in consideration thereof, I HEREBY RELEASE THE CARTER ENTITIES, THEIR SPONSORS, MEMBERS, MANAGERS, OFFICERS, AGENTS, EMPLOYEES, GUESTS, CONTRACTORS, VOLUNTEERS, AND ALL OTHER PERSONS OR ENTITIES ASSOCIATED WITH OR CONTRACTING WITH THE CARTER OFF ROAD PARK ENTITIES TOGETHER WITH ANY AND ALL LANDOWNERS, FROM ANY INJURY OR DAMAGE WHICH MAY RESULT FROM THE NEGLIGENCE ACT, ERRORS, OR OMISSIONS OF ANY PERSON AND/OR ENTITY WHILE I AM ON THE PREMISES OF CARTER OFF ROAD PARK.

I further certify that I have sufficient health, accident, and liability insurance to cover bodily injuries or property damage I may incur or cause while participating in any activity at CARTER OFF ROAD PARK and hereby agree to cover any bodily injury or property damage caused to or by a third party as a result of my participation in the activities described above or presence in CARTER OFF ROAD PARK. I agree to abide by and follow all rules of CARTER OFF ROAD PARK. If I have no insurance, I certify that I am capable of personally paying for any and all such costs, expenses and/or liability.

I understand that the CARTER ENTITIES, sponsors, booth exhibitors, or others who for promotional purposes, collect names and addresses in connection with admission registration or registration for events, competitions or drawings, may use my contact information for sending me promotional material or notification of future events. I hereby give permission for such use. I understand that the laws of Arkansas apply to this Agreement. I agree not to consume alcoholic beverages at Carter Off Road Park, and further, not to operate a motorcycle, all-terrain vehicle or other motor vehicle while impaired, intoxicated or under the influence of any drugs.

I HEREBY AGREE TO PROTECT, DEFEND, AND INDEMNIFY THE CARTER ENTITIES, AND THEIR MANAGERS, MEMBERS, OWNERS, AGENTS, EMPLOYEES, AFFILIATES OR ANY PERSONS OR ENTITIES ASSOCIATED THEREWITH, INCLUDING SECURITY PERSONNEL, FROM ANY ACTIONS, RIGHTS OF ACTIONS, CLAIMS OR CAUSES OF ACTIONS THAT MAY ARISE OUT OF MY OPERATION OF A MOTORCYCLE, ALL TERRAIN VEHICLE OR OTHER MOTOR VEHICLE WHILE UNDER THE INFLUENCE OF ALCOHOL OR ANY OTHER INTOXICANT. THIS INDEMNIFICATION SHALL EXTEND THROUGH DEPARTURE FROM CARTER OFF ROAD PARK, TO INCLUDE ARRIVAL AT MY DESTINATION, OR 24 HOURS, WHICHEVER SHALL OCCUR FIRST.

If any provision of this Agreement and Release is or may be held by a Court of competent jurisdiction to be invalid, void, or unenforceable, the remaining provisions shall nevertheless survive and continue in full force and effect without being impaired or invalidated in any way.

I WAIVE MY RIGHT TO A JURY TRIAL FOR ANY ISSUES BETWEEN MYSELF AND THE PARTIES NAMED ABOVE ARISING FROM MY PRESENCE OR PARTICIPATION AT CARTER OFF ROAD PARK.

BY SIGNING THIS FORM I AGREE TO ALL OF THE ABOVE.

SIGNATURE _____

DATE _____

Dependents: _____

PRINT NAME _____

Date of Birth: _____

Driver's License No. _____

State of Issue: _____

HOME ADDRESS: _____

Phone No.: _____

Email address: _____

EMERGENCY CONTACT NAME AND NUMBER: _____

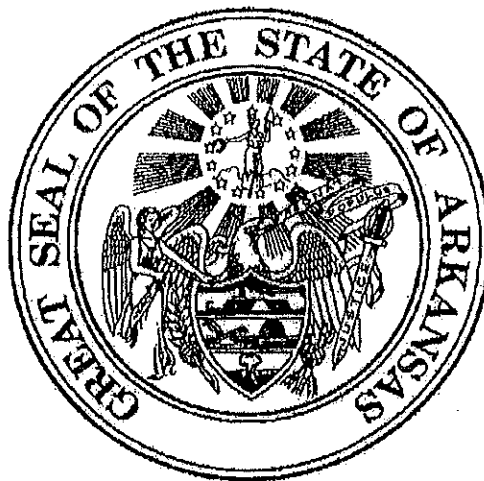
EXHIBIT

A

ARKANSAS POLLUTION CONTROL
and ECOLOGY COMMISSION

FILED
REGISTER DIV.
10 JUN -8 PM 4:09
CHARLIE DANIELS
SECRETARY OF STATE
STATE OF ARKANSAS
BY

REGULATION NO. 33
MOTOR VEHICLE RACING FACILITY
REGULATIONS



Adopted by the PC&E Commission; May 27, 2010

EXHIBIT

B

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CHAPTER 1: TITLE, INTENT AND PURPOSE

Reg.33.101 Title

The following rules and regulations, adopted by authority of and in accordance with the provisions of A.C.A. Sections 8-1-203, 8-10-303(a)(3)(E), and 8-10-304(b)(6) shall be known as the "Motor Vehicle Racing Facility Regulations," hereinafter referred to as Regulation Number 33.

Reg.33.102 Purpose

The purpose of this regulation is to implement the provisions of A.C.A. Sections 8-10-302, 8-10-303, and 8-10-304.

Reg.33.103 Applicability

This regulation shall apply to all motor vehicle racing facilities constructed on or after January 1, 1995. All permits previously issued to motor vehicle racing facilities shall remain in effect for the full period of time for which they were issued. Subsequent applications for permit renewal shall comply with the requirements of this regulation.

Reg.33.104 Severability

If any provision of this regulation, or the application of such provision to any person or circumstance, is held invalid, the remainder of this regulation, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

CHAPTER 2: DEFINITIONS

All words, terms, and phrases used in this regulation, unless the context otherwise requires, shall have their usual meaning. In addition, for purposes of this regulation, the following definitions apply:

"Annual permit" means the permit issued to a motor vehicle racing facility on an annual basis after the issuance of the initial permit.

"Automobiles or trucks modified for racing" means any vehicle designed to be operated with at least four wheels in contact with the ground and a gross dry weight, excluding the driver, of more than one thousand (1,000) pounds which is used in competitive racing or public racing demonstrations at a motor vehicle racing facility in Arkansas.

"Begin construction" means the initiation of physical on-site construction activities on a motor vehicle racing facility which are of a permanent nature.

"Commission" means the Arkansas Pollution Control and Ecology Commission.

"Competitive racing of automobiles or trucks that are modified for racing" means any event in which it is possible to compare the performance of the participants, even if such comparison is not actually done; or any event designed as an exhibition of driving skill.

"Constructed" means the completion of physical on-site activities so that a motor vehicle racing facility is capable of hosting competitive racing events.

"Department" means the Arkansas Department of Environmental Quality, or its successor. When reference is made in this regulation to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.

"Designed and used for competitive racing" means any motor vehicle racing facility capable of hosting competitive racing.

"Initial annual permit" means the first permit issued to a motor vehicle racing facility.

"Material change" or "Materially different" means the addition of a new racing venue or other substantial and significant modification to the way the facility is operated.

"Motor vehicle racing facility" means any outdoor facility used for competitive racing by automobiles or trucks that are modified for racing.

CHAPTER 3: PERMIT REQUIREMENTS

Reg.33.301 Initial Annual Permit Pre-Application Requirements

- (A) The party seeking the motor vehicle racing facility initial annual permit must obtain consent and signatures on a petition that approves the construction of the motor vehicle racing facility. At least seventy-five percent (75%) of the property owners and seventy-five percent (75%) of the registered voters who own property or live within three (3) miles of the outside boundary of the proposed motor vehicle racing facility must consent and sign the petition. For proposed facilities located within three (3) miles of more than one county, at least seventy-five percent (75%) of the property owners and seventy-five percent (75%) of the registered voters within three (3) miles of the outside boundary of the proposed motor vehicle racing facility in each county must consent and sign the petition. The petitions shall include:
- (1) A written description of the proposed motor vehicle racing facility including:
 - (a) The motor vehicle racing facility address or legal description of the property;
 - (b) A description of the types of motor vehicles proposed for racing at the motor vehicle racing facility;
 - (c) The maximum projected noise level of the racing vehicles;
 - (d) A description of the kinds of races and the types of buildings, stands, or other physical plant proposed for the motor vehicle racing facility; and
 - (e) Estimates of traffic counts and numbers of spectators.
 - (2) The registered voter's or consenting property owner's name and signature;
 - (3) The registered voter's or consenting property owner's residence address or the legal description of the property located within the three (3) mile area; and
 - (4) The date of the registered voter's or consenting property owner's signature. Signatures become invalid sixty (60) days after signing.
- (B) The party seeking the motor vehicle racing facility permit shall file the petition.
- (1) For proposed facilities located within the boundaries of any city or town, the party shall file the petition with the city clerk.
 - (2) For proposed facilities located wholly or partially outside the boundaries of any city or town, the party shall file the petition with the county clerk.

- (3) For proposed facilities located within three (3) miles of more than one county, the party shall file the petition with the county clerk for each county.
- (C) The city or county clerk, as the case may be, shall verify the petition pursuant to A.C.A. Section 7-9-109.
 - (1) The clerk shall determine the sufficiency of the signatures and certify the sufficiency or insufficiency of the signatures in writing to the Department.
 - (2) The clerk's decision is not subject to review by the Department or the Commission.
 - (3) The city or county clerk's certification shall be valid for a period of eighteen (18) months from the date of issuance.
- (D) Reg.33.301(A) – (C) do not apply to any motor vehicle racing facilities located in a county having a population between eighty thousand (80,000) and ninety thousand (90,000) according to the 1990 Federal Decennial Census and that are:
 - (1) South of a navigable waterway that traverses the state; or
 - (2) More than two (2) miles from an interstate highway, public or private school, or church facility in place at the time of the original permit application.
- (E) No motor vehicle racing facility shall be permitted or constructed within one (1) mile of the boundary of another county if the proposed motor vehicle racing facility will be located in a county having a population between eighty thousand (80,000) and ninety thousand (90,000) according to the 1990 Federal Decennial Census and that are:
 - (1) South of a navigable waterway that traverses the state; or
 - (2) More than two (2) miles from an interstate highway, public or private school, or church facility in place at the time of the original permit application.

Reg.33.302 Initial Annual Permit Application Requirements

- (A) All motor vehicle racing facilities constructed after January 1, 1995, shall obtain a permit in accordance with this regulation.
- (B) Except as provided in Reg.33.301(D), all initial annual permit applications for a motor vehicle racing facility shall meet the requirements of Reg.33.301(A) – (C). The party must provide the clerk's certification of the signatures on the petition with the motor vehicle racing facility permit application.
- (C) Applications shall include a written proposal for the motor vehicle racing facility containing the substance of the proposed motor vehicle racing facility, including:

- (1) A description of the types of motor vehicles proposed for racing at the motor vehicle racing facility;
 - (2) The maximum projected noise level of the racing vehicles;
 - (3) A description of the kinds of races and the types of buildings, stands, parking areas, or other physical plant proposed for the motor vehicle racing facility;
 - (4) Estimates of traffic counts and numbers of spectators;
 - (5) A traffic control plan;
 - (6) A copy of the city or county clerk's certification of the signatures on the petition as required by Reg.33.301(C);
 - (7) A sample copy of the petition;
 - (8) A disclosure statement in accordance with Regulation Number 8; and
 - (9) Any other relevant permit information as may be determined necessary for the permit application by the Department.
- (D) All permit applications for a motor vehicle racing facility shall be on such forms and contain such information as the Department may reasonably require.
- (E) If, while processing an application that has been determined to be complete, the Department determines that additional information is necessary to evaluate or take final action on that application, the Department may request such information in writing and set a reasonable deadline for a response.
- (F) Any applicant who fails to submit any relevant facts or who has submitted incorrect information, shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information. In addition, an applicant shall provide additional information as necessary to address any relevant requirements that become applicable before final action is taken on its application.

Reg.33.303 Public Participation

- (A) For the initial annual permit application, the Department shall conduct a public hearing on the proposed motor vehicle racing facility. The Department shall set a date for the public hearing to be held on the proposed motor vehicle racing facility annual initial permit decision which shall not be less than thirty (30) days after the filing of the initial annual permit application. The hearing may be adjourned and continued if necessary. Any interested persons may appear and contest the granting of the approval or renewal of the motor vehicle racing facility permit. Affidavits in support of or against the proposed motor vehicle racing facility or a permit renewal, which may be prepared and submitted, shall be examined by the Department.

- (B) Public notice of an initial permit application and notice of public hearing shall be published in a newspaper of general circulation in the county in which the motor vehicle racing facility is proposed to be located. The Department shall provide or approve the format of the notice. The notice shall include:
- (1) The motor vehicle racing facility name and business address or legal description of the property;
 - (2) The type of permit for which the application has been made;
 - (3) The date the application was deemed administratively complete;
 - (4) Notice of the Department's proposed decision;
 - (5) The date, time and place of the public hearing; and
 - (6) A statement that oral public comments will be accepted at the public hearing. To ensure comments are accurately recorded, the Department prefers written comments. The period for written public comments shall extend from the date of the public notice to the date of the public hearing. Comments must be received by the close of the public hearing.
- (C) Those sections of Regulation Number 8 dealing with Public Notice of Permit Application (Reg.8.205), Request for Public Hearing on Application for Permit (Reg.8.206), Public Notice of Draft Permitting Decision (Reg.8.207), Public Comment on Draft Permitting Decision (Reg.8.208), Public Hearings (Reg.8.209), Public Meetings (Reg.8.210), and the second paragraph under "Director's Decision," Final Permitting Decision (Reg.8.211(A)(2)) do not apply to initial annual permits issued under this section.

Reg.33.304 Final Action on Permit

- (A) After the hearing for the initial permit or upon -application for the renewal of its annual permit, if the Department shall be satisfied that the benefits of the motor vehicle racing facility are sustained by proof and outweigh its impact by the noise, air pollution, and traffic congestion caused by motor vehicle racing facilities, then the Department shall grant the initial permit approving the proposed motor vehicle racing facility or shall renew approval to the permitted or existing motor vehicle racing facility.
- (B) The Department may impose special conditions upon the issuance of the permit.
- (C) The Department shall notify in writing the owner/operator and any person that submitted public comments on the record of its final permitting decision.
- (D) The Department's final decision shall include a response to each issue raised, if any, during the public comment period.
- (E) No permit shall be issued unless the applicant has paid all fees assessed.

- (F) The Director's final permit decision is subject to review pursuant to Regulation Number 8.

Reg.33.305 Transfer of Permits

- (A) Permits issued under this regulation shall remain freely transferable provided:
- (1) The applicant for the transfer notifies the Director at least thirty (30) days in advance of the proposed transfer date on such forms as the Director may reasonably require, and
 - (2) Submits a disclosure statement or other such documents as required.
- (B) The Director may deny the issuance or transfer of any permit, license, certification, or operational authority if he or she finds, based upon the disclosure statement and other investigation which he or she deems appropriate, that:
- (1) The applicant has a history of noncompliance with the environmental laws or regulations of this state or any other jurisdiction;
 - (2) An applicant which owns or operates other facilities in the state is not in substantial compliance with, or on a legally enforceable schedule that will result in compliance with, the environmental laws or regulations of this state; or
 - (3) A person with a history of noncompliance with environmental laws or regulations of this state or any other jurisdiction is affiliated with the applicant to the extent of being capable of significantly influencing the practices or operations of the applicant which could have an impact upon the environment.
- (C) Public notice requirements shall not apply to changes in ownership.

Reg.33.306 Permit Renewals

- (A) Applications for an annual permit shall contain a description of any changes to the motor vehicle racing facility since the last permit issuance or a statement that no changes have occurred.
- (1) In the event there have been no changes to the motor vehicle racing facility the Department may issue the annual permit without notice to the public.
 - (2) If any material changes are made to the motor vehicle racing facility:
 - (a) The permit shall be amended accordingly;
 - (b) The Department shall provide notice to the public in accordance with the procedures contained in Regulation Number 8, "Public Notice of Draft Permitting Decision (Reg.8.207);" and
 - (c) The Department may reconsider the approval of the permit.

- (3) Renewal of an annual permit may also be denied if:
 - (a) The racing facility is determined to be in violation of any standards under which the permit was issued;
 - (b) The racing facility is constructed or is being operated in a manner that is materially different than was represented during the petition process; or
 - (c) Fraud, misrepresentation, or false statement of facts was used to obtain signatures for the petition process.
- (B) The requirements of Reg. 33.302(C)(8)&(9), (D), (E), and (F) shall apply to permit renewals.
- (C) In its discretion, the Department may hold public hearings for the renewal of any permits as is necessary.

Reg.33.307 Permit Fees

- (A) Each initial annual permit shall be subject to a fee of five hundred dollars (\$500).
- (B) Each annual permit shall be subject to a fee of two hundred dollars (\$200).
- (C) The requirements of Chapter 3 of Regulation Number 9 shall apply to fees collected under this regulation.

CHAPTER 4: EFFECTIVE DATE

Reg.33.401 Effective Date

This regulation is effective ten (10) days after filing with the Secretary of State, the State Library, and the Bureau of Legislative Research.



ARKANSAS
Department of Environmental Quality

DRAFT LETTER

CERTIFIED:

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

ADEQ sent a certified letter to you, dated July 30, 2015; outlining the findings of the May 9, 2015 inspection of the above referenced facility. The letter requested that a written response be submitted to the Water Division Inspection Branch of this Department by August 17, 2015. To date, no response has been received.

This matter has been forwarded to the Water Enforcement Division. For additional information you may contact the Enforcement Branch by telephone at 501-682-0639 or by fax at 501-682-0910.

Sincerely,

Erica McAdoo
District 9 Field Inspector
Water Division

CC:

Richard Healey, ADEQ Water Division Enforcement Branch Manager
Miles Johnson, ADEQ Water Division Enforcement Coordinator



Inspection Report: **Error! Reference source not found.**, AFIN: **Error! Reference source not found.**, Permit #: **Error! Reference source not found.**

DANNY R. CRABTREE
ATTORNEY
danny.crabtree@sbeglobal.net

DANNY R. CRABTREE
ATTORNEY AT LAW
114 SOUTH PULASKI STREET
LITTLE ROCK, AR 72201
(501) 372-0080
Fax (501) 372-2999

KAREN BLAIR
LEGAL ASSISTANT
blair.karen@sbeglobal.net

August 5, 2015

Mr. Mark Carter
Carter Off Road Park, LLC
23201 Interstate 30
Bryant, AR 72022

Re: Notice

Dear Mr. Carter,

I represent Mark and Kathy Riable and Panther Creek Farms.

It is my understanding that you have already purchased or are in the process of purchasing a 40 acre tract that abuts my clients' property. I am aware that your agents have previously made trails on the Bale property and the Johnson property. Please accept this as formal notice to you, your agents and your invitees to refrain from entering upon, encroaching upon and or damaging my clients property in any way. My clients have trails on the boundaries of their property already. Please be advised that you and your agents are strictly prohibited from entering upon my clients trials at any time.

If you, your agents, or your invitees violate the prohibitions set forth above, my clients will hold you personally liable.

Additionally, please be advised that you are required to file a zoning petition with the City of Little Rock before you engage in any commercial activity whatsoever on the subject property. Of course, the zoning application must be approved by the City of Little Rock before you are permitted to engage in any commercial activity.

Further, please be advised of your requirement to comply with ADEQ Regulation 33. I have enclosed a copy of the regulation for your convenience. As you can see, you are required to and apply for a permit and obtain approval from ADEQ prior to any activities being commenced on the property.

Finally, you, your agents and invitees are hereby notified that any trespass and or disturbance of the peace is strictly prohibited and shall not be tolerated by the surrounding properties owners.





DEPARTMENT OF PLANNING & DEVELOPMENT



723 WEST MARKHAM STREET LITTLE ROCK ARKANSAS 72201

COURTESY NOTICE

THIS FINAL NOTICE IS ISSUED TO

APRIL 2005 ROCK PARK (MARK CAESER)

as official notice that the property of LAND SOUTH OF PARKS TRAIL IND. IS IN
violation of the LITTLE ROCK CODE OF ORDINANCES SECTION 15-2-1 ANY EXISTING

As confirmed by an investigation of the premises on 5/15/14

Date

You are hereby directed to comply with this ordinance by: LEASE SEPARATING BUSINESS

IN RA RESIDENTIAL ZONE ONLY ONE SINGLE FAMILY RESIDENCE

IS PERMITTED

A period of 7 days is granted to provide you with the opportunity to take the corrective action necessary or file for a variance or appeal where applicable.

If you have any questions in regard to this notice, please call me at 371-4844

May 15 2005

Mark Caesar

DATE

ENFORCEMENT OFFICERS

EXHIBIT

tabbles



ARKANSAS
Department of Environmental Quality

July 10, 2015

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

On May 7 and May 9 2015, members of the ADEQ Water Division Inspection Branch performed a reconnaissance inspection of the above referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.


Please refer to the "Summary of Findings" section of the attached inspection report and provide a written response for each violation that was noted. This response should be mailed to the attention of the Water Division Inspection Branch at the address at the bottom of this letter or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all necessary documentation (i.e. photos) is due by **July 24, 2015**.

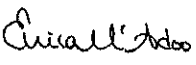
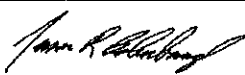
If I can be of any assistance, please contact me at mcadoo@adeq.state.ar.us or 501-683-0827.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erica McAdoo".

Erica McAdoo
District 9 Field Inspector
Water Division

 ARKANSAS Department of Environmental Quality	WATER DIVISION INSPECTION REPORT			
	AFIN: 63-00000		PERMIT #: N/A	
	DATE: 5/7/2015			
	COUNTY: 63 Saline		PDS #: 085135	
GPS LAT: 34.675813		LONG: -92.471144		LOCATION: General Area
FACILITY INFORMATION		INSPECTION INFORMATION		
NAME: Carter Off Road Park		FACILITY TYPE: *****		
		INSPECTOR ID#: 27312 S - State		
		FACILITY EVALUATION RATING: ***		
		INSPECTION TYPE: Other		
		DATE(S): 5/7/2015	ENTRY TIME: 13:11	EXIT TIME: 15:07
		5/9/2015	12:35	15:25
		PERMIT EFFECTIVE DATE:		
		PERMIT EXPIRATION DATE:		
RESPONSIBLE OFFICIAL				
NAME: / TITLE Mark Carter / Owner				
COMPANY: Carter Off Road Park, LLC				
MAILING ADDRESS:				
EMAIL:				
CONTACTED DURING INSPECTION: No				
AREA EVALUATIONS (S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)				
**	PERMIT	**	FLOW MEASUREMENT	**
**	RECORDS/REPORTS	**	LABORATORY	**
**	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	**
**	OTHER:	**	STORMWATER	**
SUMMARY OF FINDINGS				
<p>Sample locations were established upstream, adjacent to, and downstream of Carter Off Road Park to assess any potential impacts the park was causing to water quality, specifically turbidity levels within the streams. Samples were collected on May 7, 2015 prior to the Mud Daze event the park was hosting on May 8-10, 2015. Samples were also collected on May 9, 2015 during the Mud Daze event at the same locations as May 7, 2015. Sample results for each day are located in Tables 1 and 2 of the report.</p> <p>On May 7, 2015, turbidity levels were 92.9 NTU on the unnamed tributary adjacent to Carter Off Road Park (UT-001), and on May 9, 2015, turbidity levels were 1770 NTU at the same location. These are in violation of ADPC&E Regulation 2.503.</p> <p>Carter Off Road Park, LLC is operating a large construction site without a Construction Storm Water permit for all construction and dirt work activities in violation of Arkansas Water and Pollution Control Act § 8-4-217(b)(1)(E).</p>				
GENERAL COMMENTS				
<p>According to the Arkansas Department of Parks & Tourism website, the Carter Off Road Park, LLC is a new outdoor park with over 1,000 acres for riding that has mud pits, trails, hill climbs, and a creek to cool off in. There's also an obstacle course over 4,000 feet long. Camping is available but no electricity or water. Live music concerts and special events occasionally hosted.</p> <p>Turbidity levels at all sampling locations were higher on May 9, 2015 than on May 7, 2015 due to the rainfall event that occurred on the morning of May 9, 2015. Precipitation records are provided in Table 3 of the report.</p>				

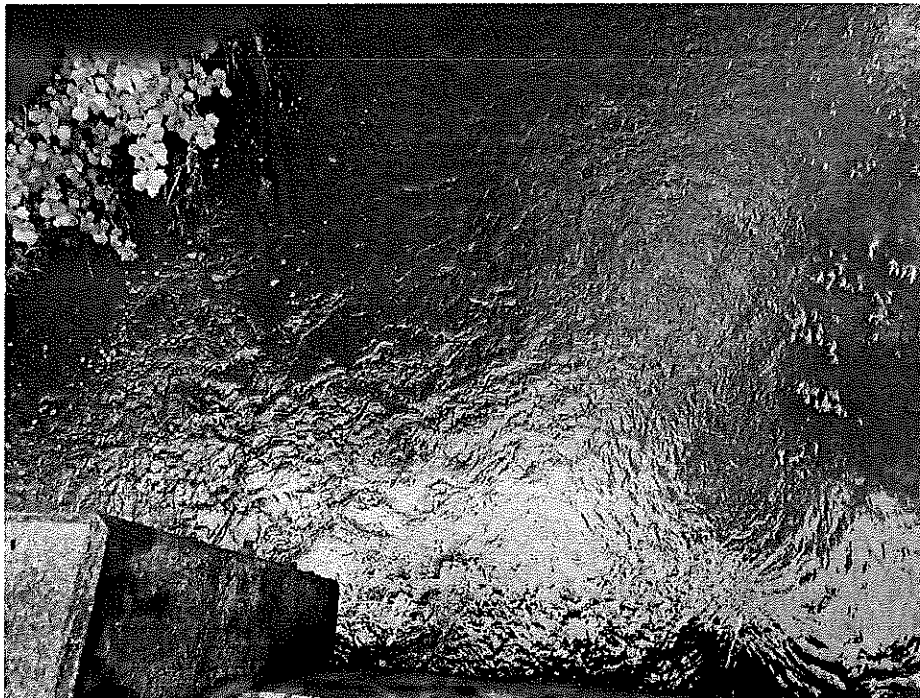
INSPECTOR'S SIGNATURE:  Erica McAdoo	DATE: 7/10/2015
SUPERVISOR'S SIGNATURE:  Jason Bolenbaugh	DATE: 7/10/2015

Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~13:11
		Photo #:	1
Description:	Sparks Road sample location upstream of Carter Off Road Park.		



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Clark Baker, and Chris Naus	Time:	~12:35
		Photo #:	2
Description:	Sparks Road sample location upstream of Carter Off Road Park.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Clark Baker	Date:	5/7/2015
Witness:	Jason Bolenbaugh and Chris Naus	Time:	~1343
Description:	Sample location FC-004 downstream of a park crossing.		



Photographer:	Clark Baker	Date:	5/9/2015
Witness:	Erica McAdoo, Chris Naus, and Jason Bolenbaugh	Time:	~13:10
Description:	Sample location FC-004 downstream of a park crossing.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Chris Naus and Jason Bolenbaugh	Time:	~1343
		Photo #:	5
Description:	Park stream crossing upstream of FC-004.		

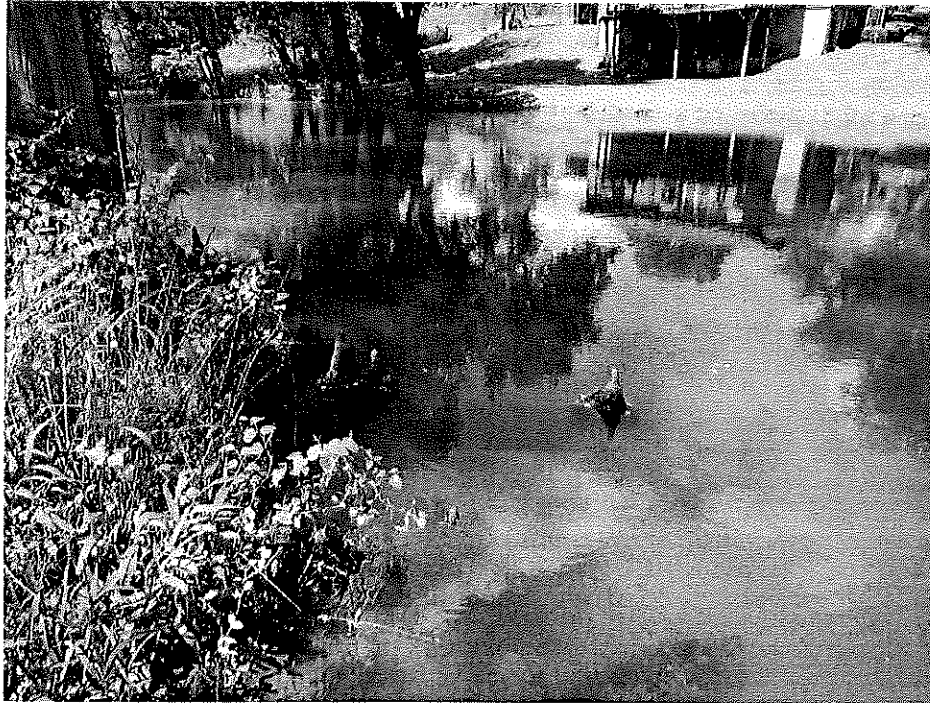


Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Chris Naus and Jason Bolenbaugh	Time:	~1343
		Photo #:	6
Description:	ATV riders at the park stream crossing upstream of FC-004.		

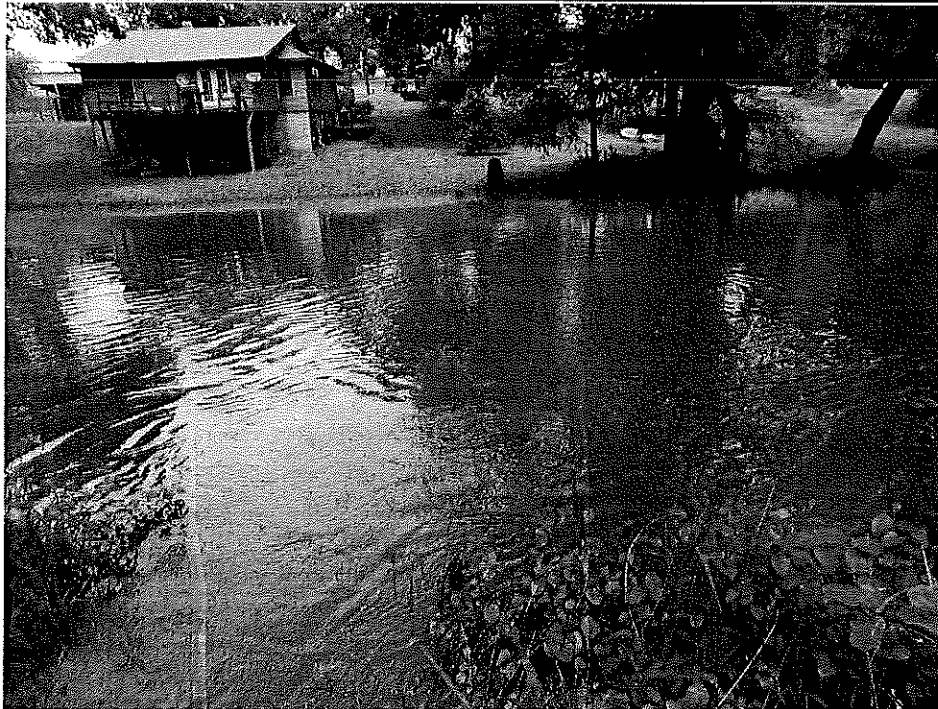


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~1429
		Photo #:	7
Description:	Sample location FC-003 downstream of Carter Off Road Park.		

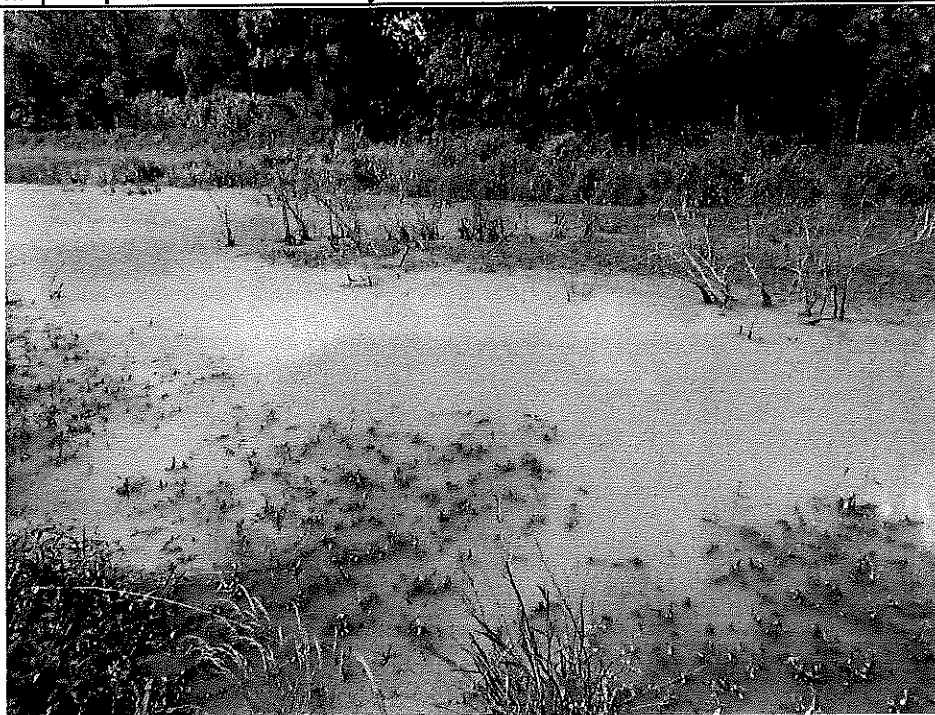


Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Chris Naus, and Jason Bolenbaugh	Time:	~14:19
		Photo #:	8
Description:	Sample location FC-003 downstream of Carter Off Road Park.		

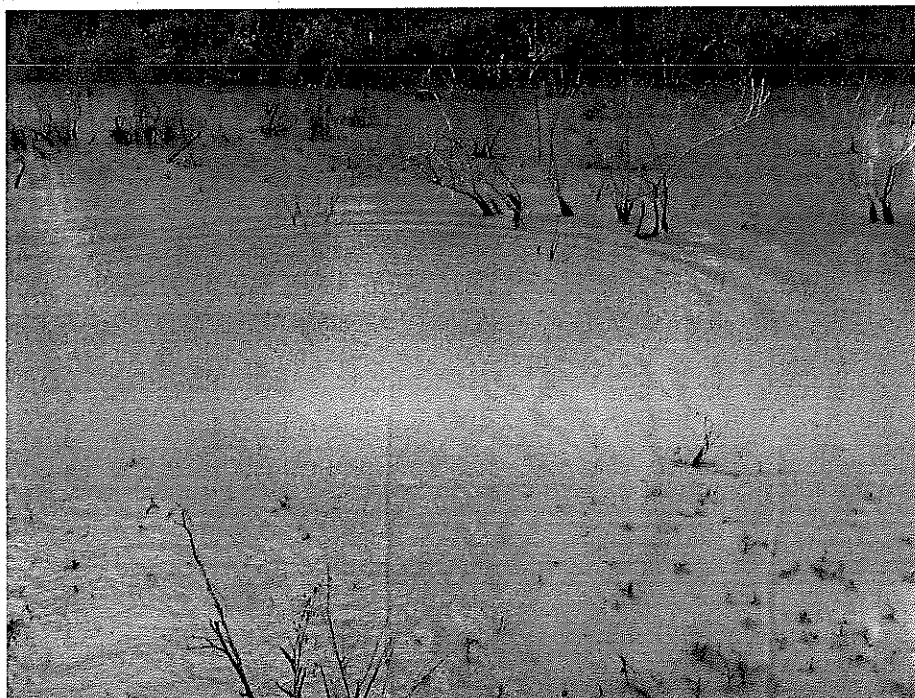


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~14:40
		Photo #:	9
Description:	Sample location UT-001 adjacent to Carter Off Road Park.		

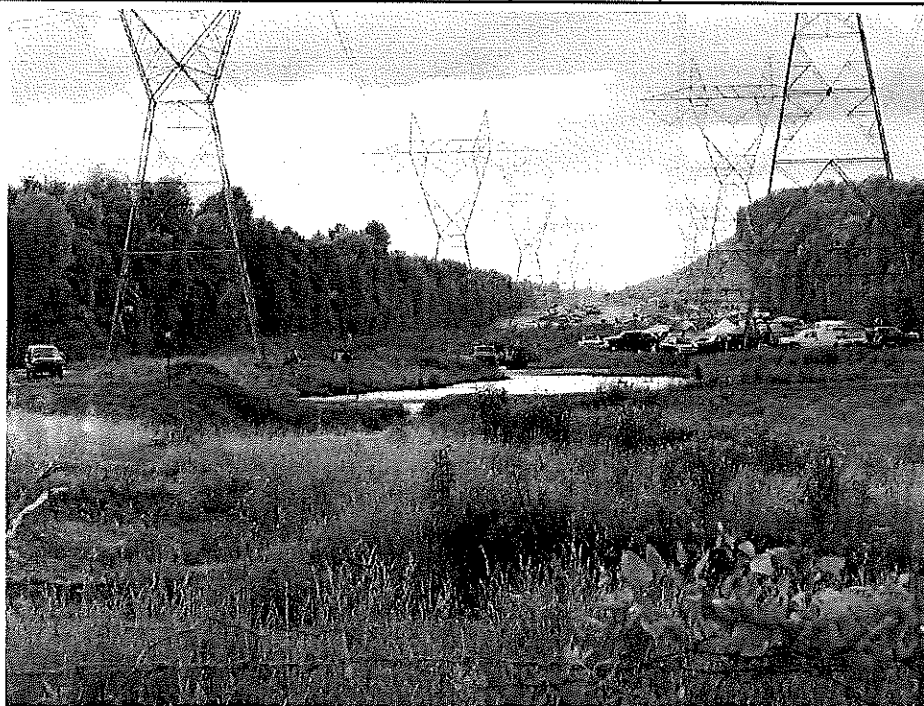


Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~14:40
		Photo #:	10
Description:	Sample location UT-001 adjacent to Carter Off Road Park.		

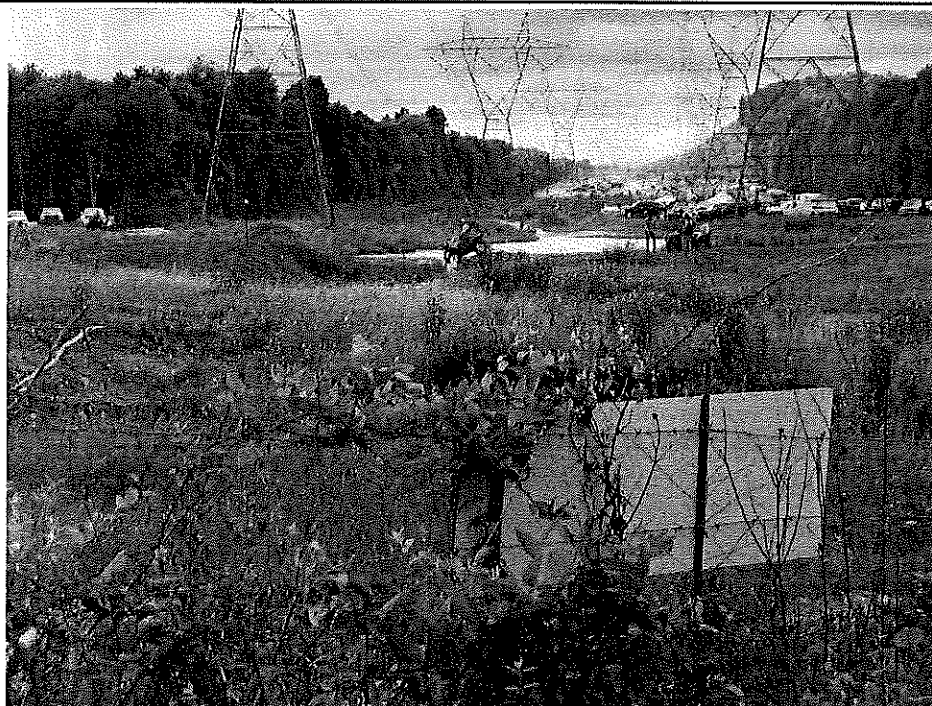


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	11
Description:	Trucks driving in the unnamed tributary above sample location UT-001.		



Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	12
Description:	ATV rider riding through a construct spillway in the unnamed tributary upstream of sample location UT-001.		

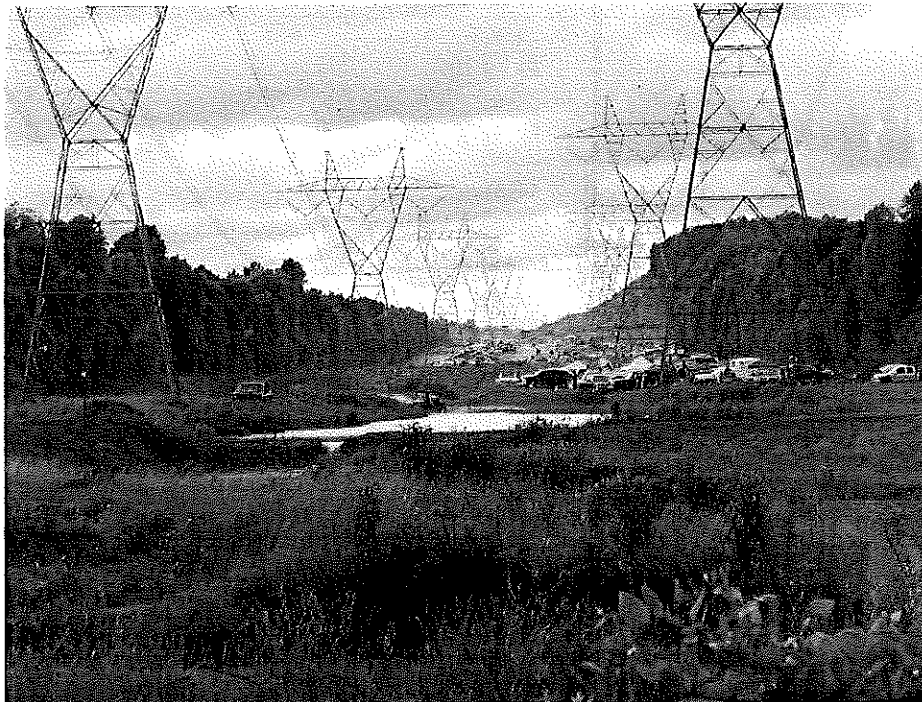


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~1440
		Photo #:	13
Description:	Carter Off Road Park. Building being constructed in the background.		



Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	14
Description:	ATV driving in the unnamed tributary above sample location UT-001.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~14:59
		Photo #:	15
Description:	Sample location FC-001.		



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Clark Baker, and Chris Naus	Time:	~14:57
		Photo #:	16
Description:	Sample location FC-001.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park				
Photographer:	Jason Bolenbaugh	Date:	5/7/2015	Time:	~15:07
Witness:	Clark Baker and Chris Naus		Photo #:	17	
Description:	Sample location FC-002.				



Photographer:	Jason Bolenbaugh	Date:	5/9/2015	Time:	~15:25
Witness:	Erica McAdoo and Chris Naus		Photo #:	18	
Description:	Sample location FC-002.				



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Rob Graddy	Date:	5/9/2015
Witness:		Time:	
		Photo #:	19
Description:	Sample containers from May 7 and 9, 2015. May 9 samples are in the foreground.		



Table 1: May 7, 2015 Water quality sample results prior to Mud Daze

Sample Location	Location Description	Date	Time	pH	DO	Temp	Turbidity
Sparks Road	Upstream of Carter Off Road Park	5/7/2015	13:11	6.84	7.97	23.4	2.29
FC-004	East of Under Springs Road	5/7/2015	13:43	7.13	7.88	22.3	2.01
FC-003 (ARK0147I)	Downstream of unnamed tributary and Fourche Creek confluence	5/7/2015	14:29	7.02	7.48	23.1	4.65
UT-001	Unnamed tributary to Fourche Creek	5/7/2015	14:40	6.57	8.34	26.9	92.9
FC-001	Immediately upstream of confluence	5/7/2015	14:55	7.11	7.61	26.9	3.95
FC-002	Downstream of FC-004	5/7/2015	15:07	7.09	7.77	23.0	4.68

Table 2: May 9, 2015 Water quality sample results during Mud Daze

Sample Location	Location Description	Date	Time	pH	DO	Temp	Turbidity
Sparks Road	Upstream of Carter Off Road Park	5/9/2015	12:35	7.1	7.6	21.1	15.1
FC-004	East of Under Springs Road	5/9/2015	13:10	7.02	7.5	21.8	38.4
FC-003 (ARK0147I)	Downstream of unnamed tributary and Fourche Creek confluence	5/9/2015	14:19	6.93	7.17	22.3	99.5
UT-001	Unnamed tributary to Fourche Creek	5/9/2015	14:40	6.01	5.06	23.0	1770
FC-001	Immediately upstream of confluence	5/9/2015	14:57	6.97	7.27	22.4	139
FC-002	Downstream of FC-004	5/9/2015	15:25	6.96	7.14	22.7	136

* Turbidity standards for the Arkansas River Valley are Base Flow Value 21 NTU /All Flow Value 40 NTU.

Table 3: Rainfall data for May 7, 2015 through May 9, 2015.

Date	Temperature Max	Temperature Min	Average Temperature	Precipitation Amount
5/7/2015	87	63	75	*T
5/8/2015	82	72	77	0.04
5/9/2015	79	67	73	1.44

*T = Trace amount of precipitation




**Weather data came from the Little Rock AP Adams Field Station

Figure 1. Google Earth Image of Area and Sample Points.

- Yellow pins indicate sampling locations (Sparks Road sample location is not pictured but is northwest of FC-004)
- Orange pins indicate locations within Carter Off Road Park



Figure 2. Google Earth Image of Saline County Assessor (Approximate) Property Boundaries for Carter Off Road Park, LLC.

-  Yellow pins indicate sampling locations
-  Orange pins indicate locations within Carter Off Road Park
-  Approximate Property Boundary





ARKANSAS
Department of Environmental Quality

CERTIFIED: 91 7199 9991 7030 4937 6814

August 3, 2015

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

On July 10, 2015, I sent a letter to you outlining the findings of the May 9, 2015 inspection of the above referenced facility. The letter requested that a written response be submitted to the Water Division Inspection Branch of this Department by July 24, 2015. To date, no response has been received.

A copy of the inspection report has been included for your convenience. Please submit a written response to the Water Division Inspection Branch. This response should be mailed to the address below, or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should be submitted by **August 17, 2015**.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-683-0827 or you may e-mail me at mcadoo@adeq.state.ar.us.

Sincerely,

A handwritten signature in black ink that reads "Erica McAdoo".

Erica McAdoo
District 9 Field Inspector
Water Division

Inspection Report: **Error! Reference source not found., AFIN: Error! Reference source not found., Permit #: Error!**
Reference source not found.

<iframe src="https://3976941.fl.doubleclick.net/activity?src=3976941;type=tools687;cat=usps_931;u4=prod;ord=1?" width="1" height="1" frameborder="0" style="display: none;"></iframe>
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8. Manage Business Mail
- 5.
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August 6, 2015 , 7:30 am	Arrived at Unit	MABELVALE, AR 72103
August 4, 2015 , 1:00 am	Departed USPS Facility	LITTLE ROCK, AR 72231
August 3, 2015 , 9:06 pm	Arrived at USPS Facility	LITTLE ROCK, AR 72231
August 3, 2015 , 7:51 pm	Accepted at USPS Origin Sort Facility	NORTH LITTLE ROCK, AR 72118
August 3, 2015	Pre-Shipment Info Sent to USPS	

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You must read and agree to the Terms & Conditions to submit your request.

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Please enter a valid second email. Email Address

+ Add Another Email

Please enter a name. Name

Please enter a valid email. Email Address

You must select a checkbox below in order to submit this form.



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ARKANSAS
Department of Environmental Quality

July 10, 2015

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

On May 7 and May 9 2015, members of the ADEQ Water Division Inspection Branch performed a reconnaissance inspection of the above referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.


Please refer to the "Summary of Findings" section of the attached inspection report and provide a written response for each violation that was noted. This response should be mailed to the attention of the Water Division Inspection Branch at the address at the bottom of this letter or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all necessary documentation (i.e. photos) is due by **July 24, 2015**.

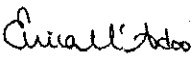
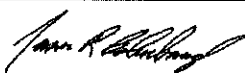
If I can be of any assistance, please contact me at mcadoo@adeq.state.ar.us or 501-683-0827.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erica McAdoo".

Erica McAdoo
District 9 Field Inspector
Water Division

 ARKANSAS Department of Environmental Quality		WATER DIVISION INSPECTION REPORT				
		AFIN: 63-00000		PERMIT #: N/A		DATE: 5/7/2015
		COUNTY: 63 Saline		PDS #: 085135		MEDIA: W
		GPS LAT: 34.675813 LONG: -92.471144 LOCATION: General Area				
FACILITY INFORMATION			INSPECTION INFORMATION			
NAME: Carter Off Road Park LOCATION:			FACILITY TYPE: ***** INSPECTOR ID#: 27312 S - State FACILITY EVALUATION RATING: *** INSPECTION TYPE: Other DATE(S): 5/7/2015 5/9/2015 ENTRY TIME: 13:11 12:35 EXIT TIME: 15:07 15:25 PERMIT EFFECTIVE DATE: PERMIT EXPIRATION DATE:			
RESPONSIBLE OFFICIAL			FAYETTEVILLE SHALE RELATED: N			
NAME / TITLE Mark Carter / Owner COMPANY: Carter Off Road Park, LLC MAILING ADDRESS: EMAIL:			FAYETTEVILLE SHALE VIOLATIONS: N			
CONTACTED DURING INSPECTION: No			INSPECTION PARTICIPANTS			
			NAME/TITLE/PHONE/FAX/EMAIL/ETC.: Jason Bolenbaugh, Manager, 501-682-0659 Clark Baker, Inspector, 501-682-0657 Chris Naus, Inspector, 501-682-0658			
AREA EVALUATIONS						
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)						
**	PERMIT	**	FLOW MEASUREMENT	**	STORMWATER	
**	RECORDS/REPORTS	**	LABORATORY	**	FACILITY SITE REVIEW	
**	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**	SELF-MONITORING PROGRAM	
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	**	PRETREATMENT	
**	OTHER:					
SUMMARY OF FINDINGS						
<p>Sample locations were established upstream, adjacent to, and downstream of Carter Off Road Park to assess any potential impacts the park was causing to water quality, specifically turbidity levels within the streams. Samples were collected on May 7, 2015 prior to the Mud Daze event the park was hosting on May 8-10, 2015. Samples were also collected on May 9, 2015 during the Mud Daze event at the same locations as May 7, 2015. Sample results for each day are located in Tables 1 and 2 of the report.</p> <p>On May 7, 2015, turbidity levels were 92.9 NTU on the unnamed tributary adjacent to Carter Off Road Park (UT-001), and on May 9, 2015, turbidity levels were 1770 NTU at the same location. These are in violation of ADPC&E Regulation 2.503.</p> <p>Carter Off Road Park, LLC is operating a large construction site without a Construction Storm Water permit for all construction and dirt work activities in violation of Arkansas Water and Pollution Control Act § 8-4-217(b)(1)(E).</p>						
GENERAL COMMENTS						
<p>According to the Arkansas Department of Parks & Tourism website, the Carter Off Road Park, LLC is a new outdoor park with over 1,000 acres for riding that has mud pits, trails, hill climbs, and a creek to cool off in. There's also an obstacle course over 4,000 feet long. Camping is available but no electricity or water. Live music concerts and special events occasionally hosted.</p> <p>Turbidity levels at all sampling locations were higher on May 9, 2015 than on May 7, 2015 due to the rainfall event that occurred on the morning of May 9, 2015. Precipitation records are provided in Table 3 of the report.</p>						

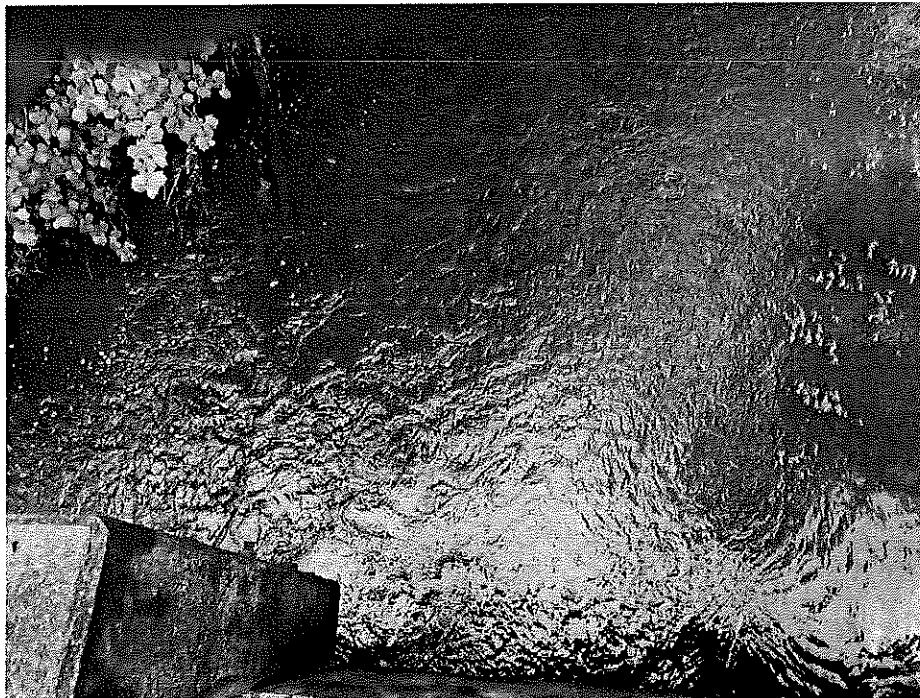
INSPECTOR'S SIGNATURE:  Erica McAdoo	DATE: 7/10/2015
SUPERVISOR'S SIGNATURE:  Jason Bolenbaugh	DATE: 7/10/2015

Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~13:11
		Photo #:	1
Description:	Sparks Road sample location upstream of Carter Off Road Park.		



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Clark Baker, and Chris Naus	Time:	~12:35
		Photo #:	2
Description:	Sparks Road sample location upstream of Carter Off Road Park.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park				
Photographer:	Clark Baker	Date:	5/7/2015	Time:	~1343
Witness:	Jason Bolenbaugh and Chris Naus			Photo #:	3
Description:	Sample location FC-004 downstream of a park crossing.				



Photographer:	Clark Baker	Date:	5/9/2015	Time:	~13:10
Witness:	Erica McAdoo, Chris Naus, and Jason Bolenbaugh			Photo #:	4
Description:	Sample location FC-004 downstream of a park crossing.				



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Chris Naus and Jason Bolenbaugh	Time:	~1343
		Photo #:	5
Description:	Park stream crossing upstream of FC-004.		

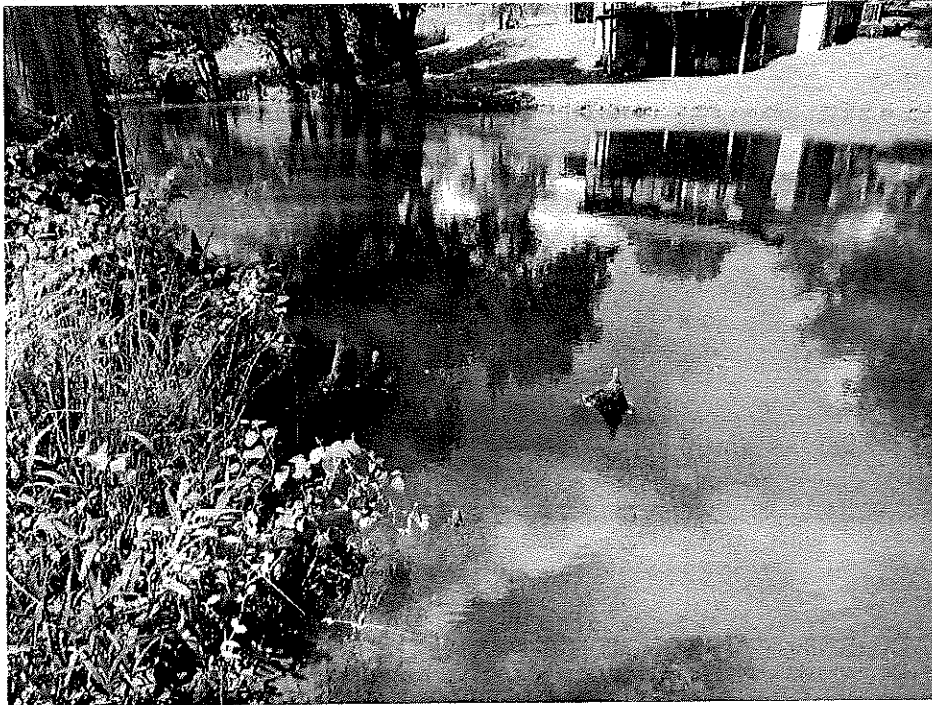


Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Chris Naus and Jason Bolenbaugh	Time:	~1343
		Photo #:	6
Description:	ATV riders at the park stream crossing upstream of FC-004.		

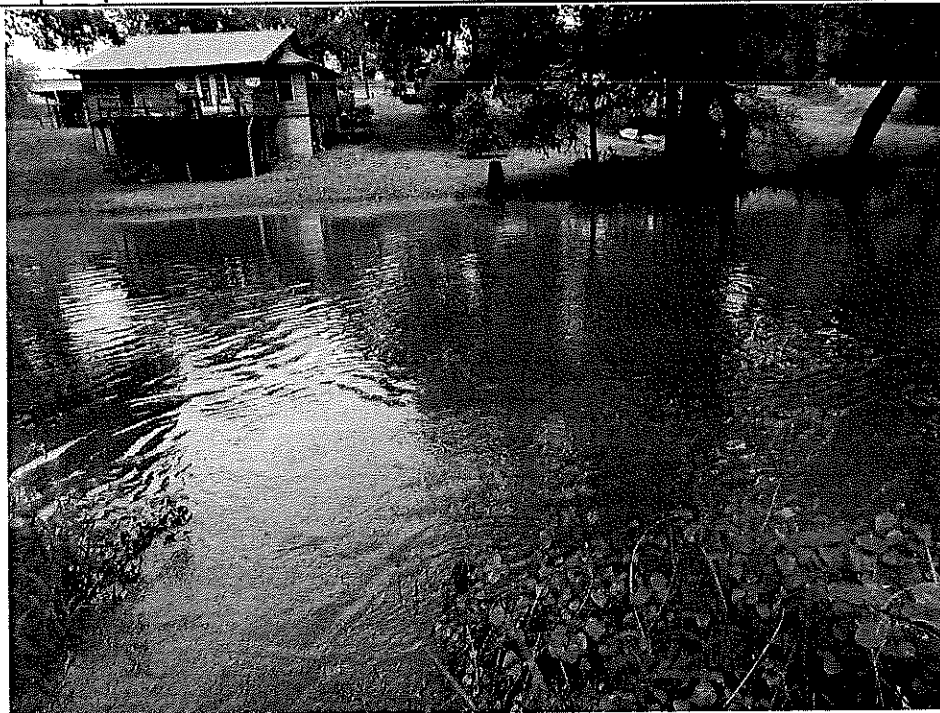


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~1429
		Photo #:	7
Description:	Sample location FC-003 downstream of Carter Off Road Park.		

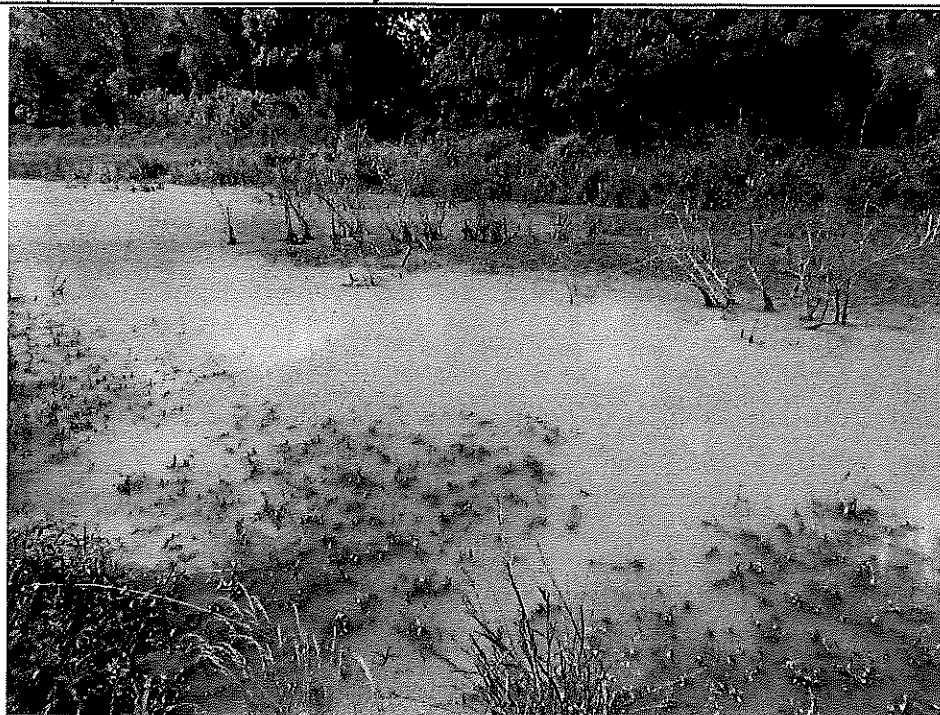


Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Chris Naus, and Jason Bolenbaugh	Time:	~14:19
		Photo #:	8
Description:	Sample location FC-003 downstream of Carter Off Road Park.		

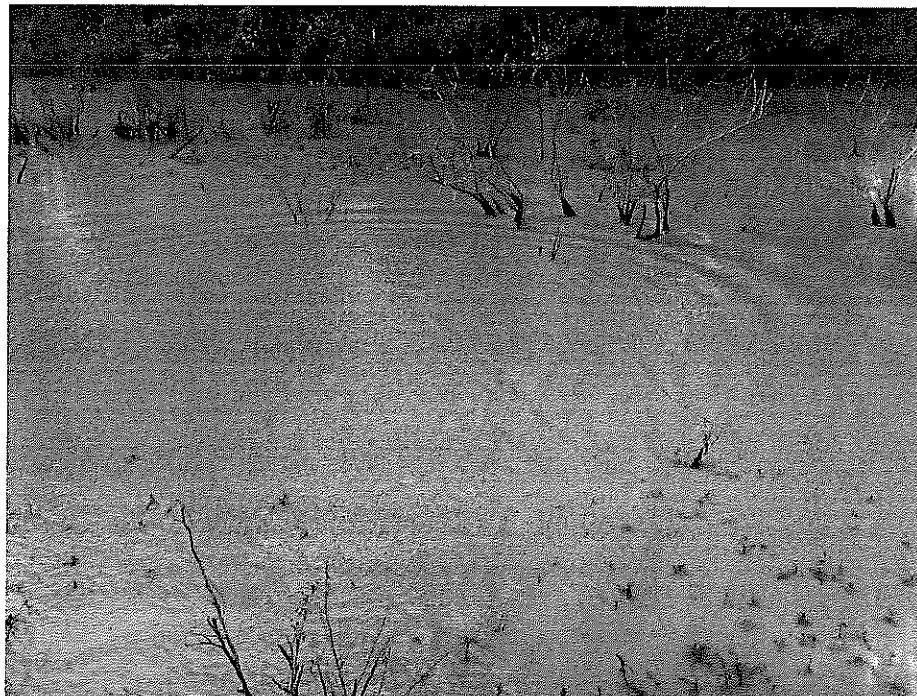


Water Division Photographic Evidence Sheet

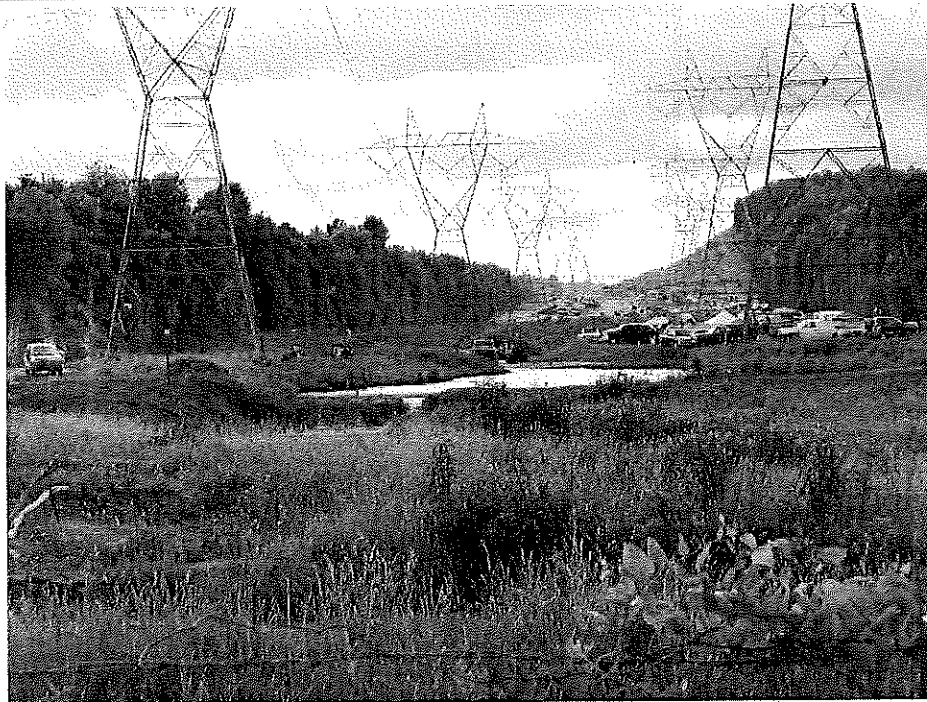
Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~14:40
		Photo #:	9
Description:	Sample location UT-001 adjacent to Carter Off Road Park.		



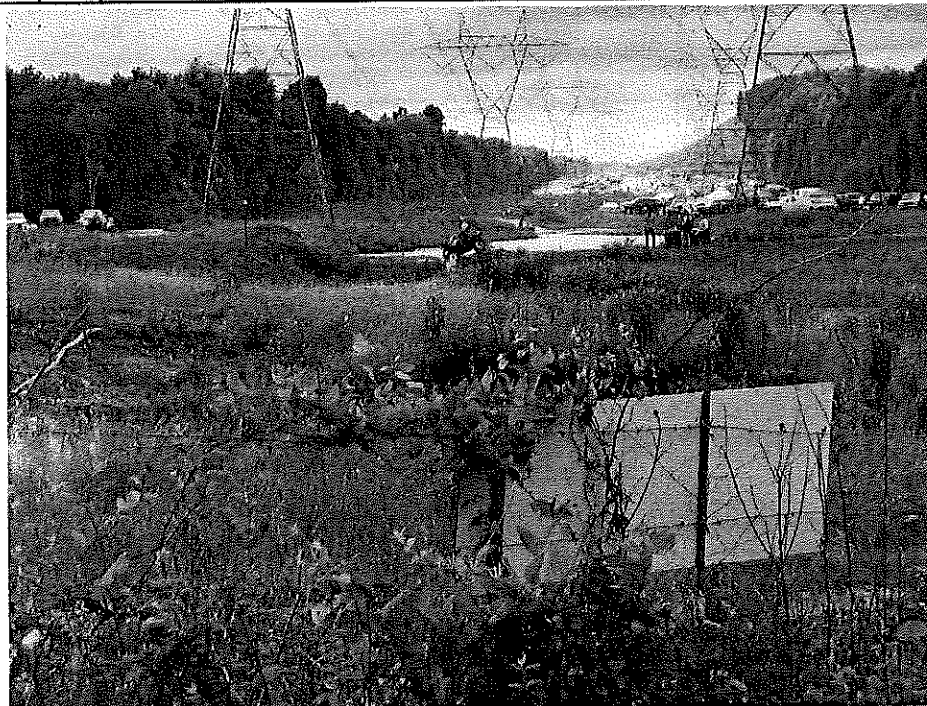
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~14:40
		Photo #:	10
Description:	Sample location UT-001 adjacent to Carter Off Road Park.		



Water Division Photographic Evidence Sheet			
Location:	Carter Off Road Park		
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	11
Description:	Trucks driving in the unnamed tributary above sample location UT-001.		



Photographer:	Erica McAdoo	Date:	5/9/2015	Time:	~1440
Witness:	Jason Bolenbaugh			Photo #:	12
Description:	ATV rider riding through a construct spillway in the unnamed tributary upstream of sample location UT-001.				

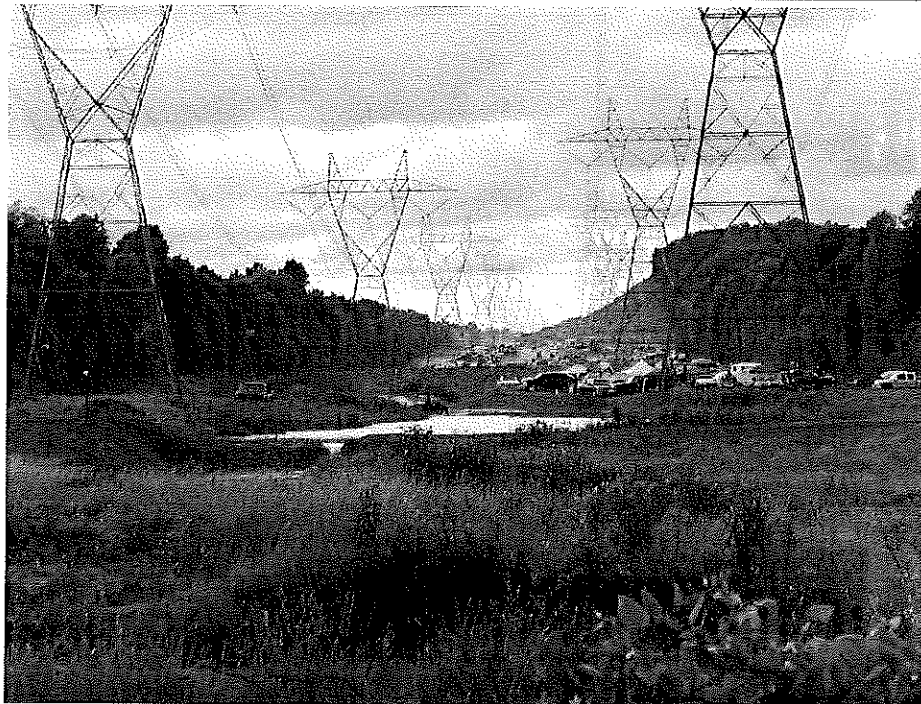


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~1440
		Photo #:	13
Description:	Carter Off Road Park. Building being constructed in the background.		



Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	14
Description:	ATV driving in the unnamed tributary above sample location UT-001.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~14:59
		Photo #:	15
Description:	Sample location FC-001.		



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Clark Baker, and Chris Naus	Time:	~14:57
		Photo #:	16
Description:	Sample location FC-001.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~15:07
Description:	Sample location FC-002.	Photo #:	17



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo and Chris Naus	Time:	~15:25
Description:	Sample location FC-002.	Photo #:	18



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Rob Graddy	Date:	5/9/2015
Witness:		Time:	
		Photo #:	19
Description:	Sample containers from May 7 and 9, 2015. May 9 samples are in the foreground.		



Table 1: May 7, 2015 Water quality sample results prior to Mud Daze

Sample Location	Location Description	Date	Time	pH	DO	Temp	Turbidity
Sparks Road	Upstream of Carter Off Road Park	5/7/2015	13:11	6.84	7.97	23.4	2.29
FC-004	East of Under Springs Road	5/7/2015	13:43	7.13	7.88	22.3	2.01
FC-003 (ARK0147I)	Downstream of unnamed tributary and Fourche Creek confluence	5/7/2015	14:29	7.02	7.48	23.1	4.65
UT-001	Unnamed tributary to Fourche Creek	5/7/2015	14:40	6.57	8.34	26.9	92.9
FC-001	Immediately upstream of confluence	5/7/2015	14:55	7.11	7.61	26.9	3.95
FC-002	Downstream of FC-004	5/7/2015	15:07	7.09	7.77	23.0	4.68

Table 2: May 9, 2015 Water quality sample results during Mud Daze

Sample Location	Location Description	Date	Time	pH	DO	Temp	Turbidity
Sparks Road	Upstream of Carter Off Road Park	5/9/2015	12:35	7.1	7.6	21.1	15.1
FC-004	East of Under Springs Road	5/9/2015	13:10	7.02	7.5	21.8	38.4
FC-003 (ARK0147I)	Downstream of unnamed tributary and Fourche Creek confluence	5/9/2015	14:19	6.93	7.17	22.3	99.5
UT-001	Unnamed tributary to Fourche Creek	5/9/2015	14:40	6.01	5.06	23.0	1770
FC-001	Immediately upstream of confluence	5/9/2015	14:57	6.97	7.27	22.4	139
FC-002	Downstream of FC-004	5/9/2015	15:25	6.96	7.14	22.7	136

* Turbidity standards for the Arkansas River Valley are Base Flow Value 21 NTU /All Flow Value 40 NTU.

Table 3: Rainfall data for May 7, 2015 through May 9, 2015.

Date	Temperature Max	Temperature Min	Average Temperature	Precipitation Amount
5/7/2015	87	63	75	*T
5/8/2015	82	72	77	0.04
5/9/2015	79	67	73	1.44

*T = Trace amount of precipitation

**Weather data came from the Little Rock AP Adams Field Station

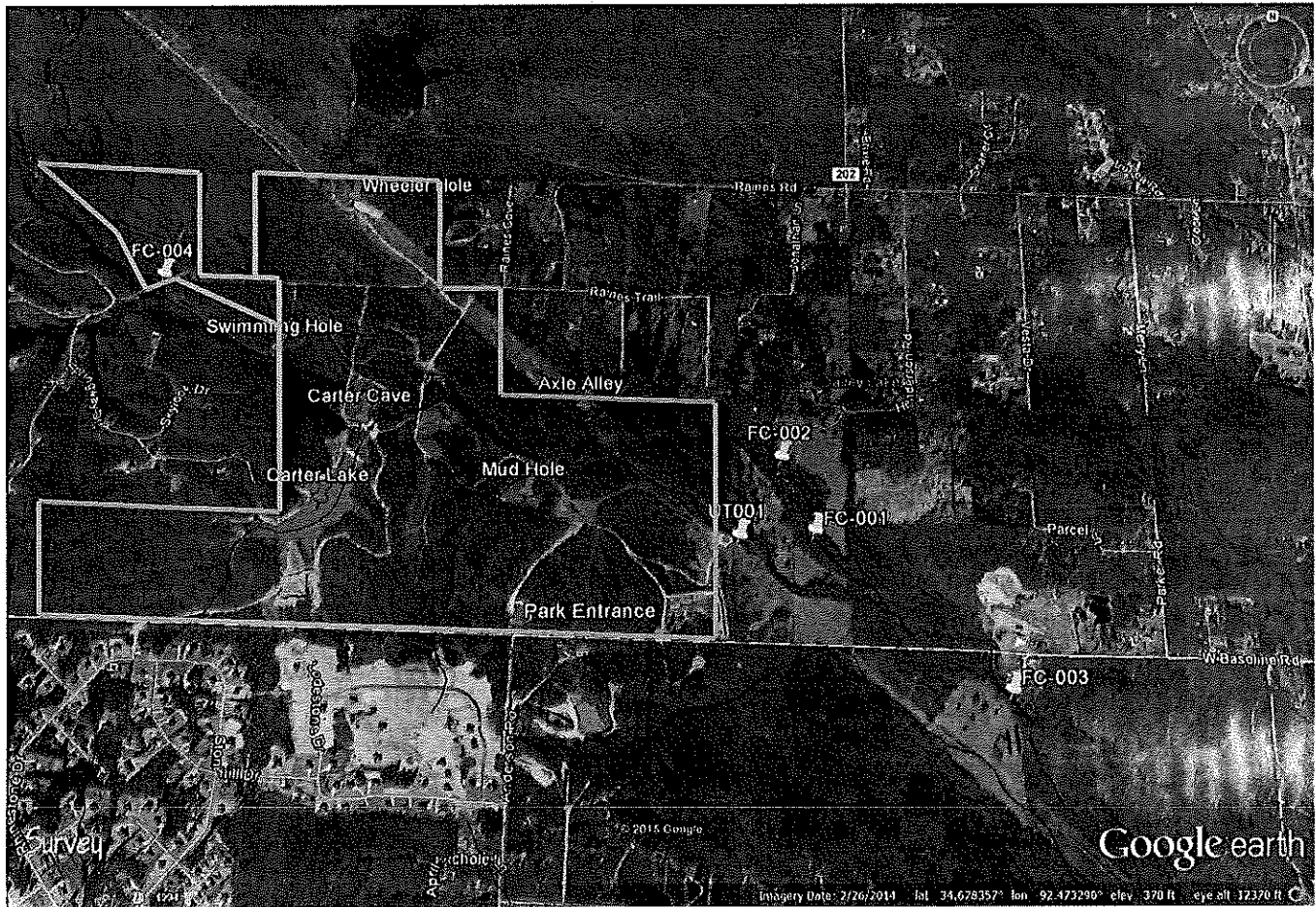
Figure 1. Google Earth Image of Area and Sample Points.

- Yellow pins indicate sampling locations (Sparks Road sample location is not pictured but is northwest of FC-004)
- Orange pins indicate locations within Carter Off Road Park



Figure 2. Google Earth Image of Saline County Assessor (Approximate) Property Boundaries for Carter Off Road Park, LLC.

- Yellow pins indicate sampling locations
- Orange pins indicate locations within Carter Off Road Park
- Approximate Property Boundary





ARKANSAS
Department of Environmental Quality

CERTIFIED: 91 7199 9991 7030 4937 6814

August 3, 2015

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

On July 10, 2015, I sent a letter to you outlining the findings of the May 9, 2015 inspection of the above referenced facility. The letter requested that a written response be submitted to the Water Division Inspection Branch of this Department by July 24, 2015. To date, no response has been received.

A copy of the inspection report has been included for your convenience. Please submit a written response to the Water Division Inspection Branch. This response should be mailed to the address below, or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should be submitted by **August 17, 2015**.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-683-0827 or you may e-mail me at mcadoo@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erica McAdoo".

Erica McAdoo
District 9 Field Inspector
Water Division

Inspection Report: **Error! Reference source not found., AFIN: Error! Reference source not found., Permit #: Error! Reference source not found.**

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- Features:**
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 - ☐ Return Receipt Electronic

DATE & TIME	STATUS OF ITEM	LOCATION
August 6, 2015 , 2:47 pm	Notice Left (No Authorized Recipient Available)	MABELVALE, AR 72103
<p>We attempted to deliver your item at 2:47 pm on August 6, 2015 in MABELVALE, AR 72103 and a notice was left because an authorized recipient was not available. You may arrange redelivery by visiting http://www.usps.com/redelivery or calling 800-ASK-USPS, or may pick up the item at the Post Office indicated on the notice. If this item is unclaimed by August 21, 2015 then it will be returned to sender.</p>		
August 6, 2015 , 7:30 am	Arrived at Unit	MABELVALE, AR 72103
August 4, 2015 , 1:00 am	Departed USPS Facility	LITTLE ROCK, AR 72231
August 3, 2015 , 9:06 pm	Arrived at USPS Facility	LITTLE ROCK, AR 72231
August 3, 2015 , 7:51 pm	Accepted at USPS Origin Sort Facility	NORTH LITTLE ROCK, AR 72118
August 3, 2015	Pre-Shipment Info Sent to USPS	

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[Read more about Text Tracking >](#)

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You must select an option below in order to submit this form.



Send me all activity up to this point

Select "Send me all activity up to this point" to get Text Updates for each scan on the package to date.



Send me all future activity for this item

Select "Send me all future activity for this item" to get Text Updates for any future scan activity on the package.

If you select both options, Text Updates will be sent to your mobile device for each scan on the package before and after the request is submitted. You can expect up to 11 scans on your package.

Please enter a name. Please enter a valid Phone Number. *Phone number (US or Canadian only, valid text message enabled number)

You must check the confirmation below to continue.



I have read, understand, and agree to the Terms and Conditions.

Your telecommunications carrier may charge data usage fees (including additional charges when roaming) to receive text messages. Please contact your wireless carrier for complete pricing details. I understand that I will pay any applicable message and data charges from my mobile carrier. I must reply YES to subscribe to Text Updates, and I can always send STOP to 2USPS (28777) to stop all notifications.

You must read and agree to the Terms & Conditions to submit your request.

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ARKANSAS
Department of Environmental Quality

July 10, 2015

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

On May 7 and May 9 2015, members of the ADEQ Water Division Inspection Branch performed a reconnaissance inspection of the above referenced facility in accordance with the provisions of the Federal Clean Water Act, the Arkansas Water and Air Pollution Control Act, and the regulations promulgated thereunder. A copy of the inspection report is enclosed for your records.


Please refer to the "Summary of Findings" section of the attached inspection report and provide a written response for each violation that was noted. This response should be mailed to the attention of the Water Division Inspection Branch at the address at the bottom of this letter or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should contain documentation describing the course of action taken to correct each item noted. This corrective action should be completed as soon as possible, and the written response with all necessary documentation (i.e. photos) is due by **July 24, 2015**.

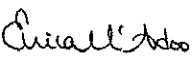

If I can be of any assistance, please contact me at mcadoo@adeq.state.ar.us or 501-683-0827.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erica McAdoo".

Erica McAdoo
District 9 Field Inspector
Water Division

		WATER DIVISION INSPECTION REPORT				
		AFIN: 63-00000		PERMIT #: N/A		DATE: 5/7/2015
		COUNTY: 63 Saline		PDS #: 085135		MEDIA: W
		GPS LAT: 34.675813 LONG: -92.471144 LOCATION: General Area				
FACILITY INFORMATION			INSPECTION INFORMATION			
NAME: Carter Off Road Park LOCATION:			FACILITY TYPE: ***** INSPECTOR ID#: 27312 S - State FACILITY EVALUATION RATING: *** INSPECTION TYPE: Other DATE(S): 5/7/2015 ENTRY TIME: 13:11 EXIT TIME: 15:07 PERMIT EFFECTIVE DATE: 5/9/2015 12:35 15:25 PERMIT EXPIRATION DATE:			
RESPONSIBLE OFFICIAL			FAYETTEVILLE SHALE RELATED: N			
NAME / TITLE: Mark Carter / Owner COMPANY: Carter Off Road Park, LLC MAILING ADDRESS: EMAIL:			FAYETTEVILLE SHALE VIOLATIONS: N			
			INSPECTION PARTICIPANTS			
			NAME/TITLE/PHONE/FAVEMAIL/ETC.: Jason Bolenbaugh, Manager, 501-682-0659 Clark Baker, Inspector, 501-682-0657 Chris Naus, Inspector, 501-682-0658			
CONTACTED DURING INSPECTION: No						
AREA EVALUATIONS						
(S=Satisfactory, M=Marginal, U=Unsatisfactory, N=Not Applicable/Evaluated)						
**	PERMIT	**	FLOW MEASUREMENT	**	STORMWATER	
**	RECORDS/REPORTS	**	LABORATORY	**	FACILITY SITE REVIEW	
**	OPERATION & MAINTENANCE	**	EFFLUENT/RECEIVING WATER	**	SELF-MONITORING PROGRAM	
**	SAMPLING	**	SLUDGE HANDLING/DISPOSAL	**	PRETREATMENT	
**	OTHER:					
SUMMARY OF FINDINGS						
<p>Sample locations were established upstream, adjacent to, and downstream of Carter Off Road Park to assess any potential impacts the park was causing to water quality, specifically turbidity levels within the streams. Samples were collected on May 7, 2015 prior to the Mud Daze event the park was hosting on May 8-10, 2015. Samples were also collected on May 9, 2015 during the Mud Daze event at the same locations as May 7, 2015. Sample results for each day are located in Tables 1 and 2 of the report.</p> <p>On May 7, 2015, turbidity levels were 92.9 NTU on the unnamed tributary adjacent to Carter Off Road Park (UT-001), and on May 9, 2015, turbidity levels were 1770 NTU at the same location. These are in violation of ADPC&E Regulation 2.503.</p> <p>Carter Off Road Park, LLC is operating a large construction site without a Construction Storm Water permit for all construction and dirt work activities in violation of Arkansas Water and Pollution Control Act § 8-4-217(b)(1)(E).</p>						
GENERAL COMMENTS						
<p>According to the Arkansas Department of Parks & Tourism website, the Carter Off Road Park, LLC is a new outdoor park with over 1,000 acres for riding that has mud pits, trails, hill climbs, and a creek to cool off in. There's also an obstacle course over 4,000 feet long. Camping is available but no electricity or water. Live music concerts and special events occasionally hosted.</p> <p>Turbidity levels at all sampling locations were higher on May 9, 2015 than on May 7, 2015 due to the rainfall event that occurred on the morning of May 9, 2015. Precipitation records are provided in Table 3 of the report.</p>						

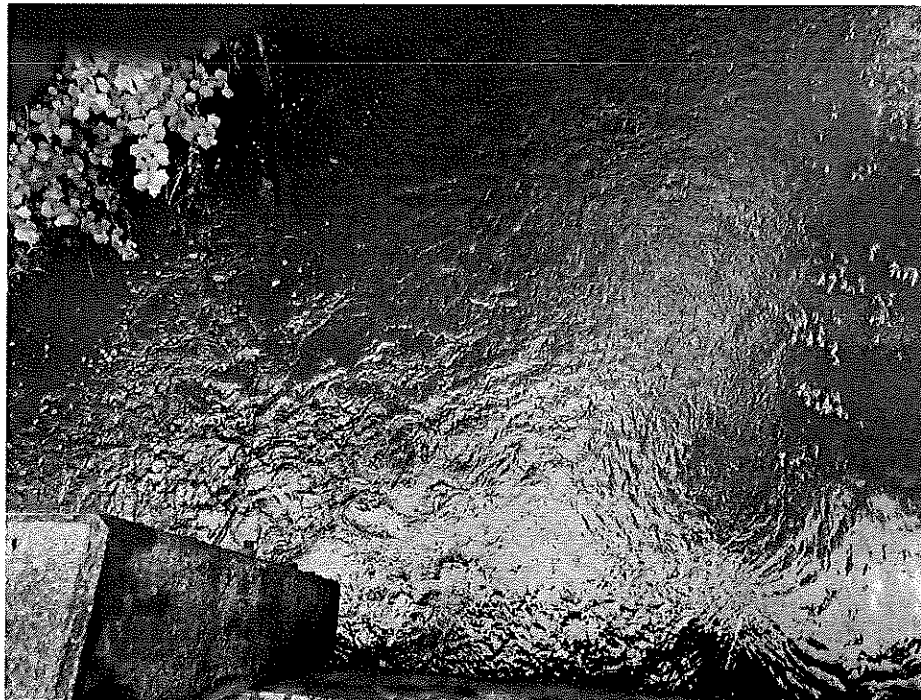
INSPECTOR'S SIGNATURE:  Erica McAdoo	DATE: 7/10/2015
SUPERVISOR'S SIGNATURE:  Jason Bolenbaugh	DATE: 7/10/2015

Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~13:11
		Photo #:	1
Description:	Sparks Road sample location upstream of Carter Off Road Park.		



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Clark Baker, and Chris Naus	Time:	~12:35
		Photo #:	2
Description:	Sparks Road sample location upstream of Carter Off Road Park.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Clark Baker	Date:	5/7/2015
Witness:	Jason Bolenbaugh and Chris Naus	Time:	~1343
		Photo #:	3
Description:	Sample location FC-004 downstream of a park crossing.		



Photographer:	Clark Baker	Date:	5/9/2015
Witness:	Erica McAdoo, Chris Naus, and Jason Bolenbaugh	Time:	~13:10
		Photo #:	4
Description:	Sample location FC-004 downstream of a park crossing.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Chris Naus and Jason Bolenbaugh	Time:	~1343
		Photo #:	5
Description:	Park stream crossing upstream of FC-004.		



Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Chris Naus and Jason Bolenbaugh	Time:	~1343
		Photo #:	6
Description:	ATV riders at the park stream crossing upstream of FC-004.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~1429
		Photo #:	7
Description:	Sample location FC-003 downstream of Carter Off Road Park.		

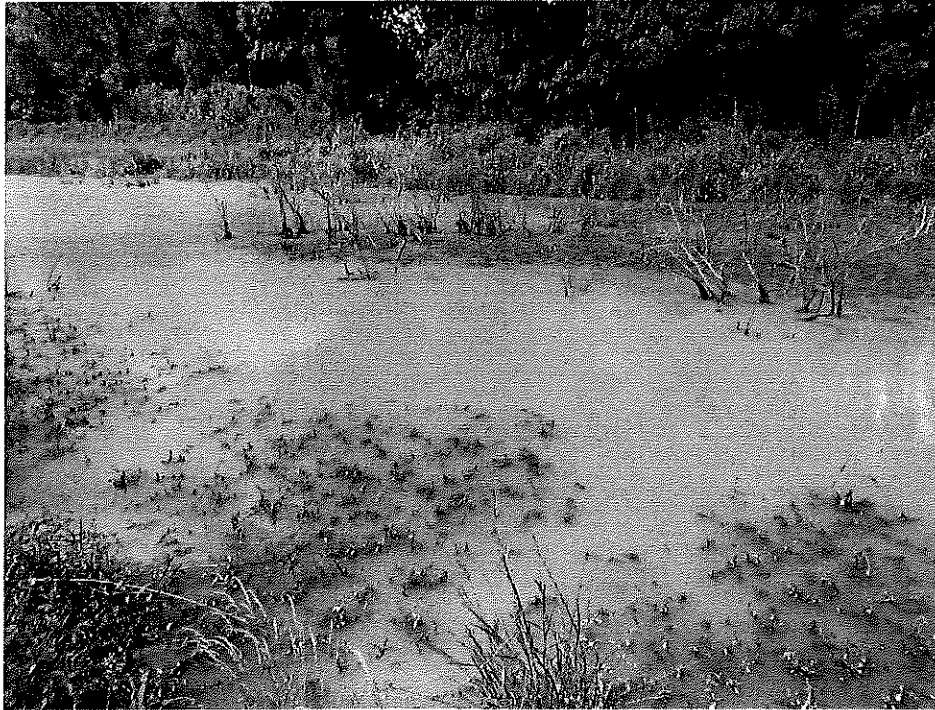


Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Chris Naus, and Jason Bolenbaugh	Time:	~14:19
		Photo #:	8
Description:	Sample location FC-003 downstream of Carter Off Road Park.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~14:40
		Photo #:	9
Description:	Sample location UT-001 adjacent to Carter Off Road Park.		

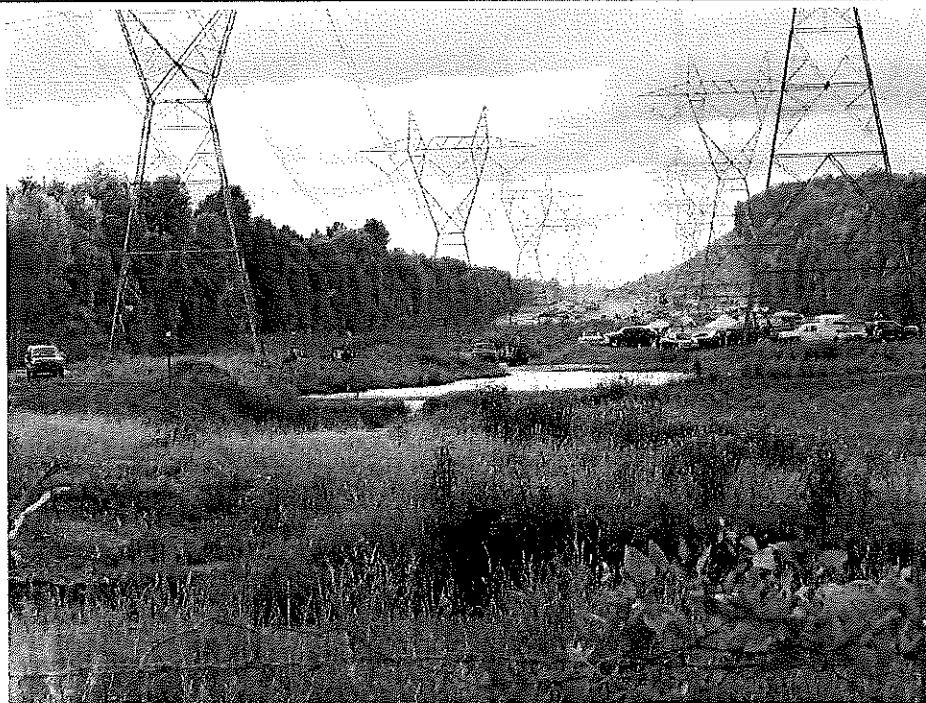


Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~14:40
		Photo #:	10
Description:	Sample location UT-001 adjacent to Carter Off Road Park.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	11
Description:	Trucks driving in the unnamed tributary above sample location UT-001.		



Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	12
Description:	ATV rider riding through a construct spillway in the unnamed tributary upstream of sample location UT-001.		

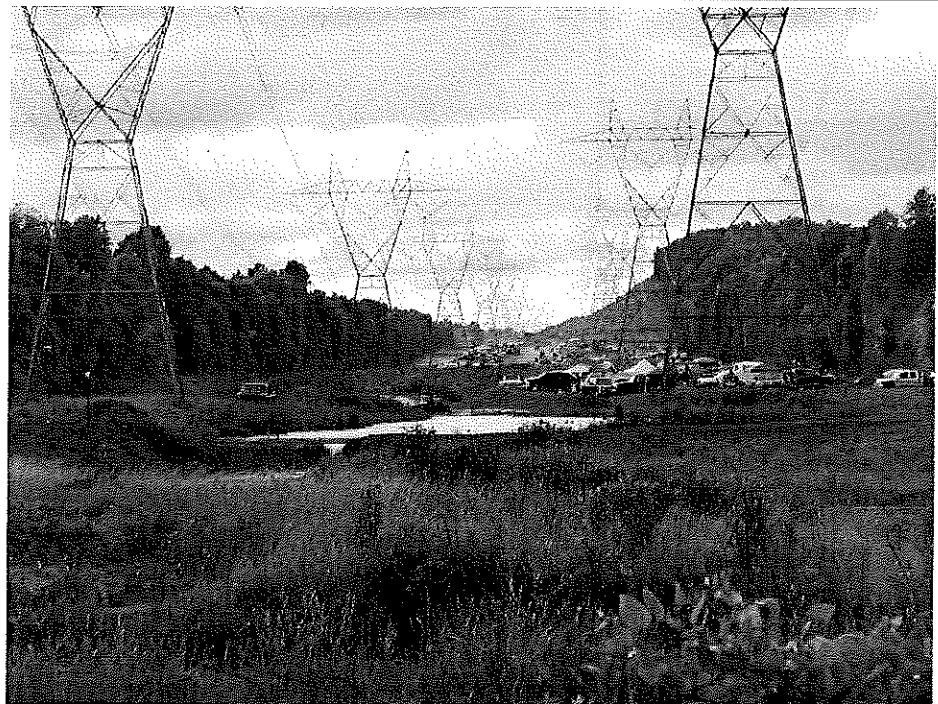


Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~1440
		Photo #:	13
Description:	Carter Off Road Park. Building being constructed in the background.		

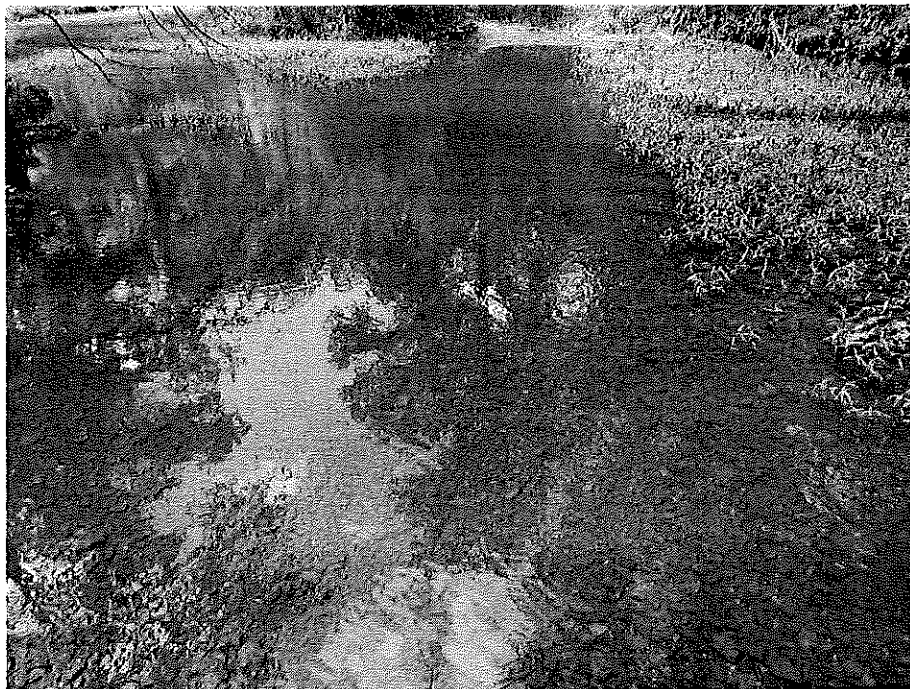


Photographer:	Erica McAdoo	Date:	5/9/2015
Witness:	Jason Bolenbaugh	Time:	~1440
		Photo #:	14
Description:	ATV driving in the unnamed tributary above sample location UT-001.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~14:59
		Photo #:	15
Description:	Sample location FC-001.		



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo, Clark Baker, and Chris Naus	Time:	~14:57
		Photo #:	16
Description:	Sample location FC-001.		



Water Division Photographic Evidence Sheet

Location:	Carter Off Road Park		
Photographer:	Jason Bolenbaugh	Date:	5/7/2015
Witness:	Clark Baker and Chris Naus	Time:	~15:07
Description:	Sample location FC-002.	Photo #:	17



Photographer:	Jason Bolenbaugh	Date:	5/9/2015
Witness:	Erica McAdoo and Chris Naus	Time:	~15:25
Description:	Sample location FC-002.	Photo #:	18



Water Division Photographic Evidence Sheet

Location: **Carter Off Road Park**

Photographer: **Rob Graddy**

Date: **5/9/2015**

Time:

Witness:

Photo #: **19**

Description: **Sample containers from May 7 and 9, 2015. May 9 samples are in the foreground.**



Table 1: May 7, 2015 Water quality sample results prior to Mud Daze

Sample Location	Location Description	Date	Time	pH	DO	Temp	Turbidity
Sparks Road	Upstream of Carter Off Road Park	5/7/2015	13:11	6.84	7.97	23.4	2.29
FC-004	East of Under Springs Road	5/7/2015	13:43	7.13	7.88	22.3	2.01
FC-003 (ARK0147I)	Downstream of unnamed tributary and Fourche Creek confluence	5/7/2015	14:29	7.02	7.48	23.1	4.65
UT-001	Unnamed tributary to Fourche Creek	5/7/2015	14:40	6.57	8.34	26.9	92.9
FC-001	Immediately upstream of confluence	5/7/2015	14:55	7.11	7.61	26.9	3.95
FC-002	Downstream of FC-004	5/7/2015	15:07	7.09	7.77	23.0	4.68

Table 2: May 9, 2015 Water quality sample results during Mud Daze

Sample Location	Location Description	Date	Time	pH	DO	Temp	Turbidity
Sparks Road	Upstream of Carter Off Road Park	5/9/2015	12:35	7.1	7.6	21.1	15.1
FC-004	East of Under Springs Road	5/9/2015	13:10	7.02	7.5	21.8	38.4
FC-003 (ARK0147I)	Downstream of unnamed tributary and Fourche Creek confluence	5/9/2015	14:19	6.93	7.17	22.3	99.5
UT-001	Unnamed tributary to Fourche Creek	5/9/2015	14:40	6.01	5.06	23.0	1770
FC-001	Immediately upstream of confluence	5/9/2015	14:57	6.97	7.27	22.4	139
FC-002	Downstream of FC-004	5/9/2015	15:25	6.96	7.14	22.7	136

* Turbidity standards for the Arkansas River Valley are Base Flow Value 21 NTU /All Flow Value 40 NTU.

Table 3: Rainfall data for May 7, 2015 through May 9, 2015.

Date	Temperature Max	Temperature Min	Average Temperature	Precipitation Amount
5/7/2015	87	63	75	*T
5/8/2015	82	72	77	0.04
5/9/2015	79	67	73	1.44

*T = Trace amount of precipitation




**Weather data came from the Little Rock AP Adams Field Station

Figure 1. Google Earth Image of Area and Sample Points.

- Yellow pins indicate sampling locations (Sparks Road sample location is not pictured but is northwest of FC-004)
- Orange pins indicate locations within Carter Off Road Park



Figure 2. Google Earth Image of Saline County Assessor (Approximate) Property Boundaries for Carter Off Road Park, LLC.

-  Yellow pins indicate sampling locations
-  Orange pins indicate locations within Carter Off Road Park
-  Approximate Property Boundary





ARKANSAS
Department of Environmental Quality

CERTIFIED: 91 7199 9991 7030 4937 6814

August 3, 2015

Mark Carter, Owner
Carter Off Road Park, LLC

RE: Carter Off Road Park Inspection
AFIN: 63-00000 Permit No.: N/A

Dear Mr. Carter:

On July 10, 2015, I sent a letter to you outlining the findings of the May 9, 2015 inspection of the above referenced facility. The letter requested that a written response be submitted to the Water Division Inspection Branch of this Department by July 24, 2015. To date, no response has been received.

A copy of the inspection report has been included for your convenience. Please submit a written response to the Water Division Inspection Branch. This response should be mailed to the address below, or e-mailed to Water-Inspection-Report@adeq.state.ar.us. This response should be submitted by **August 17, 2015**.

Thank you for your attention to this matter. Should you have any questions, feel free to contact me at 501-683-0827 or you may e-mail me at mcadoo@adeq.state.ar.us.

Sincerely,

A handwritten signature in cursive script, appearing to read "Erica McAdoo".

Erica McAdoo
District 9 Field Inspector
Water Division

Inspection Report: **Error! Reference source not found.**, AFIN: **Error! Reference source not found.**, Permit #: **Error!**
Reference source not found.

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DATE & TIME	STATUS OF ITEM	LOCATION
August 6, 2015 , 2:47 pm	Notice Left (No Authorized Recipient Available)	MABELVALE, AR 72103

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August 6, 2015 , 7:30 am	Arrived at Unit	MABELVALE, AR 72103
August 4, 2015 , 1:00 am	Departed USPS Facility	LITTLE ROCK, AR 72231
August 3, 2015 , 9:06 pm	Arrived at USPS Facility	LITTLE ROCK, AR 72231
August 3, 2015 , 7:51 pm	Accepted at USPS Origin Sort Facility	NORTH LITTLE ROCK, AR 72118
August 3, 2015	Pre-Shipment Info Sent to USPS	

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You must check the confirmation below to continue.

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